By Mr. PERKINS: A bill (H. R. 12381) for the relief of George S. Conway; to the Committee on War Claims.

By Mr. WELLER: A bill (H. R. 12382) for the relief of Charles Lacy Plumb (Inc.); to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3853. By Mr. COLTON: Petition of Utah Mission of Seventh-Day Adventists, Ogden, Utah., opposing the enactment of S. 3218; to the Committee on the District of Columbia.

3854. By Mr. CULLEN: Petition of the Maritime Association of the Port of New York, indorsing H. R. 9535, the purpose of which is to grant to private shipowners a right of action when their vessels or goods have been damaged as a result of a collision with any Government-owned vessel, without recourse to the passage of a special enabling act in each case; to the Committee on Interstate and Foreign Commerce.

3855. By Mr. GARBER: Petition of the LeClaire Co., asking for support of legislation reducing postage rates; to the Committee on the Post Office and Post Roads.

3856. Also, petition of the Thomas Jefferson Memorial Foundation (Inc.), asking support of Senate Joint Resolution 166; to the Committee on the Library.

3857. Also, letter from Women's National Republican Club (Inc.), asking support of Wadsworth-Garrett amendment to the Constitution; to the Committee on the Judiciary.

3858. Also, petition of the American Federation of Teachers, the American Home Economics Association, etc., requesting opposition to House Joint Resolution 75; to the Committee on the Judiciary.

3859. By Mr. JOHNSON of Washington: Petition of Lawrence J. Hannan and 26 other citizens of Ridgefield and La Center, Wash., opposing the compulsory Sunday observance bill, S. 3218; to the Committee on the District of Columbia.

3860. By Mr. MICHAELSON: Petition of the Chicago Conference of Seventh Day Adventists, opposing the enactment of Senate bill 3218, or similar legislation; to the Committee on the District of Columbia.

3861. By Mr. O'CONNELL of New York: Petition of the New York State League of Savings and Loan Associations, concerning the word "savings" in the McFadden-Pepper banking bill; to the Committee on Banking and Currency.

3862. Also, petition of the Maritime Association of the Port of New York, favoring the passage of House bill 9535; to the Committee on Claims.

3863. By Mr. RAKER: Petition of C. A. O'Goode and Peter Claussen, Veterans' Home, Calif., urging passage of the Indian war pension bills, House bill 11798 and Senate bill 3920; to the Committee on Pensions.

3864. Also, petition of J. P. Thompson, vice president National Federation of Federal Employees, San Francisco, Calif., indorsing and urging the passage of the bill H. R. 8202; to the Committee on the Civil Service.

3865. Also, letter from the International Association of Police Women, Washington, D. C., indorsing and urging the passage of S. 4274 and H. R. 12248; also, letter from Apartment House Association of Los Angeles County, Los Angeles, Calif., protesting against passage of District of Columbia Rent Commission legislation; to the Committee on the District of Columbia.

3866. Also, letter from Mr. C. D. Kaeding, of Mills Building, San Francisco, Calif., urging support of the game refuge public shooting ground bills, S. 2913 and H. R. 745; also, letter from the California Development Association, San Francisco, Calif., urging the establishment of a forestry experiment station at Berkeley, Calif.; to the Committee on Agriculture.

3867. Also, letter from the Lee Highway Association, Munsey Building, Washington, D. C., urging passage of the Arlington memorial bridge bill; to the Committee on Public Buildings and Grounds.

3868. Also, telegrams from W. F. Mixon, secretary California Highway Commission, of Sacramento, Calif.; George W. Borden, president Western Association of State Highway Officials, of Carson City, Nev., and resolution adopted by the County Supervisors' Association of California, by Stanley Abel, secretary, all indorsing and urging passage of the Colton bill, H. R. 6133; to the Committee on Roads.

3869. Also, telegrams from Albert Bensinger, Jack S. Goldstein, and Joseph Levinson, all of New York City, urging support of provision eliminating Pullman surcharge; also, telegrams from the Sierra Railway Co., Jamestown, Calif., R. S. Busby, president, San Francisco, Calif.; S. H. McCartney, vice president Nevada-California Oregon Railway, of Alturas, Calif.; and the California Development Association, by N. H. Sloane, general manager, San Francisco, Calif., protesting against elimination of Pullman surcharge by direct legislation; to the Committee on Interstate and Foreign Commerce.

3870. By Mr. TILSON: Petition of Oscar Dowling, president of Louisiana State Board of Health, and other citizens of the United States, declaring their appreciation of the great help of the Federal Health Department and the Bureau of Fisheries toward the solution of the oyster problems, present and past; to the Committee on Agriculture.

SENATE

SATURDAY, *February 21, 1925*

(Legislative day of Tuesday, February 17, 1925)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

SENATOR FROM SOUTH DAKOTA

The PRESIDENT pro tempore laid before the Senate the credentials of WILLIAM H. MCMASTER, chosen a Senator from the State of South Dakota for the term beginning on the 4th day of March, 1925, which were read and ordered to be placed on file, as follows:

UNITED STATES OF AMERICA,
STATE OF SOUTH DAKOTA.

Certificate of election

This is to certify that on the 4th day of November, 1924, at a general election held throughout said State WILLIAM H. MCMASTER was duly chosen by the qualified electors of the State of South Dakota to the office of United States Senator, to represent the State of South Dakota in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1925.

In witness whereof I have hereunto set my hand and caused the seal of said State to be affixed at Pierre, the capital, this 7th day of January, 1925.

By the governor.

CARL GUNDERSON, *Governor.*

Attest:
[SEAL.]

C. E. COYNE,
Secretary of State.

COLUMBIA INSTITUTION FOR THE DEAF

The PRESIDENT pro tempore. The Chair announces the resignation of the Senator from Michigan [Mr. COUZENS] as a member of the board of directors of the Columbia Institution for the Deaf, and appoints the Senator from Washington [Mr. JONES] in the stead of the Senator from Michigan as a member of the board of directors.

CONDITION OF RAILROAD EQUIPMENT

The PRESIDENT pro tempore laid before the Senate a communication from the chairman of the Interstate Commerce Commission, reporting (in compliance with Senate Resolution 438, agreed to February 26, 1923), for the month of January, 1925, on the condition of railroad equipment and related subjects, which was referred to the Committee on Interstate Commerce.

DISPOSITION OF USELESS PAPERS

The PRESIDENT pro tempore. The Chair lays before the Senate a letter from the Second Assistant Secretary of the Department of Labor, requesting permission for the destruction of certain obsolete and useless papers in the files of that department. The Chair appoints as a committee on the part of the Senate to consider the advisability of granting the request the Senator from Colorado [Mr. PHIPPS] and the Senator from New Mexico [Mr. JONES]. The Secretary will advise the House of Representatives of this action.

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the chairman and secretary of the Progressive Party of the State of Oregon, inclosing certain resolutions adopted by that organization. If there be no objection, the communication and accompanying paper will be referred to the Committee on Agriculture and Forestry and printed in the RECORD.

There being no objection, the matter was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

PORTLAND, OREG., *February 10, 1925.*

Senator A. B. CUMMINS,
Washington, D. C.

DEAR SENATOR: We are inclosing to you under this cover a copy of a resolution passed by the Progressive Party of the State of Oregon, and we are asking you to make it possible that this be read into the CONGRESSIONAL RECORD, as we are very anxious that the balance of the people in our country might know our standing in regard to this big question.

Thanking you kindly for any assistance that you might render, we beg to remain,

Yours truly,

Dr. A. SLAUGHTER, *Chairman.*
F. E. COULTER, *Secretary.*

PORTLAND, OREG., *February 10, 1925.*

To the honorable Senate and House of Representatives of the United States.

SIRS: We, the citizens of Oregon, organized in the Progressive Party of the State under the law and by the use of an initiative petition in conference assembled, having under consideration the question of the future welfare of the Republic, are shocked and astonished at the action of the Senate in the passage of the bill to turn over to a private company that priceless blessing and inheritance of the whole people, the power privilege at Muscle Shoals. It is as if you had stolen the fire from heaven and had then burned out the benevolence of God and converted it into a means of slavery, so that for all time the bounty of God would act as a mortgage bond to drain the blood of the people into a private funnel for the enrichment of the idle few.

Sirs, you are either ignorant of the lessons of history or else you are shutting your eyes at their plain import for the sake of the self-interest that may attach to them for yourselves.

From the days of Abraham to the last war of the Spanish and Arabs the most prominent lesson is that as the institutions of society grow more and more intricate the burden of the accumulating machinery of government falls more and more upon the heads and pockets of the farmers and producers. This must be so for the simple reason that they constitute the only class who, being producers, are the ones that are in a situation to meet the constantly increasing demands of the towering expenses.

Once grant the commencing of a policy to turn over natural opportunities to private individuals for the purpose of exploiting all the rest, and the doom of that civilization is written. The thing is like a huge tapeworm that grows and grows, feeding upon the body that creates it until the body dies; in this case by the farmers giving up the struggle and turning speculators or bandits, or both ofttimes.

Sirs, there is but one possible way out of the dilemma. One offset to the drift to congestion of the public wealth, which disease is eating at the heart of our body economic. And that is to use the natural opportunities given by the bounty of God as the corrective of this monster of greed. That is, by using the water power for the whole people, the wealth thus made can be made to raise the burden placed upon the breaking back of industry, until it may recover and continue to live.

The use and development of these God-given water powers by the Government for the people is the open path to the future greatness of the Republic. We, therefore, enter our most solemn protest at this rape of the natural refuge of our children and their children by the greed and rapacity of so-called business. We expect that you, our Representatives and Senators, open your eyes to the great things that are being done in this regard for their future greatness by the Swiss, the Swedes, the Norwegians, and Canadians. And that you finally reserve for the people all their natural opportunities by refusing to deed away these water powers. And that you forever set at rest the constant efforts of designing men to steal the patrimony of the people by at once inaugurating the operation of these powers by a Federal corporation for the permanent welfare of the entire Nation. Thus meeting in a practical way the drift of this Nation toward the death abyss of wrong and injustice that has swallowed all the others that have gone before.

Signed by the Progressive Party of Oregon in conference assembled.
By the executive committee.

Dr. A. SLAUGHTER, *Chairman.*
F. E. COULTER, *Secretary.*

The PRESIDENT pro tempore laid before the Senate the following joint memorial of the Legislature of Montana, which was referred to the Committee on Foreign Relations:

House joint memorial 2 (introduced by McCarty)

Memorial to the Senate of the United States of America in Congress assembled, that immediate action be taken leading to the participation of the United States in the Permanent Court of International Justice

To the honorable Senate of the United States of America:

Your memorialists, the members of the Nineteenth Legislative Assembly of the State of Montana, the senate and house concurring, respectfully represent: That

Whereas we believe that the participation of the United States in the Permanent Court of International Justice to be the first step toward the outlawry of war and of that fuller and more far-reaching international cooperation which shall end war: Therefore be it

Resolved by the legislative assembly, That it unreservedly favors immediate action being taken leading to the participation of the United States of America in the Permanent Court of International Justice, in accordance with the Harding-Hughes plan; and be it further

Resolved, That a copy of this memorial be forwarded to the Senate of the United States and to each of the Senators from Montana in Congress.

WM. C. BRICKER,
Speaker of the House.

W. S. MCCORMACK,
President of the Senate.

I hereby certify that the within memorial originated in the house.

H. J. FAUST, *Chief Clerk.*

This bill was received by the governor this 13th day of February, 1925.

J. E. ERICKSON, *Governor.*
By WILL AIKEN, *Private Secretary.*

Approved February 13, 1925.

J. E. ERICKSON, *Governor.*

The PRESIDENT pro tempore also laid before the Senate resolutions adopted at a meeting of 3,000 citizens of Chicago, Ill., held under the auspices of the Chicago Sunday Evening Club and the Chicago World Court Committee, favoring the entry of the United States into the World Court upon the terms proposed by President Coolidge and Secretary Hughes, which were referred to the Committee on Foreign Relations.

He also laid before the Senate a petition of the executive board, Cigar Makers' International Union, of Chicago, Ill., praying for the adoption of House Concurrent Resolution 39, providing for the appointment of a joint committee of Members of the House and Senate to investigate and study the conditions in Porto Rico, which was referred to the Committee on Territories and Insular Possessions.

He also laid before the Senate resolutions adopted at the thirteenth annual meeting of the National Drainage Congress, held in Chicago, Ill., urging a survey of all resources by the agricultural departments of the various States in cooperation with the National Government in order that the ultimate usage of water power, forestry, agriculture, and aquatic resources may be properly distributed and developed to their maximum efficiency, and favoring the passage of the so-called Temple bill, providing for the systematic completion of standard topographic mapping of the United States, which were referred to the Committee on Agriculture and Forestry.

He also laid before the Senate a telegram in the nature of a petition signed by James Weaver, commander, Veterans of Foreign Wars; Michael Lynch, commander of Disabled American Veterans, United States Veterans' Bureau Hospital No. 72; and Donald Homewood, Chapter No. 4, Disabled American Veterans, Fort Harrison, all of Helena, Mont., praying for the passage of House bill 10271, to amend the World War veterans' act, 1924, which was referred to the Committee on Finance.

He also laid before the Senate a resolution adopted by the General Assembly of the Legislature of the Commonwealth of Pennsylvania, protesting against the passage of legislation intended to increase the amount of water to be taken from the Great Lakes through the Chicago Drainage Canal for sanitation and power purposes, which was referred to the Committee on Commerce. (See duplicate resolution when presented on February 20, 1925, by Mr. FESS, and printed in full, p. 4226, CONGRESSIONAL RECORD.)

Mr. REED of Pennsylvania presented a resolution adopted by the General Assembly of the Legislature of the Commonwealth of Pennsylvania, protesting against the passage of legislation intended to increase the amount of water to be taken from the Great Lakes through the Chicago Drainage Canal for sanitation and power purposes, which was referred to the Committee on Commerce. (See duplicate resolution when presented on February 20, 1925, by Mr. FESS, and printed in full, p. 4226, CONGRESSIONAL RECORD.)

Mr. WILLIS presented a resolution of the South End Republican Women's Study Club, of Cleveland, Ohio, favoring the entrance of the United States into the World Court upon the terms of the so-called Harding-Hughes plan, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Westerville, Ohio, praying for the entry of the United States into the World Court upon the terms of the so-called Harding-Hughes plan, which was referred to the Committee on Foreign Relations.

He also presented a resolution of Robert A. Smart Post No. 298, American Legion, Department of Ohio, of Greenfield, Ohio, favoring the passage of House bill 10271, to amend the World War veterans' act, 1924, which was referred to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. McNARY, from the Committee on Irrigation and Reclamation, to which was referred the bill (S. 4057) providing for the irrigation of certain lands in the State of Nebraska, reported it with amendments.

Mr. FLETCHER (for Mr. WADSWORTH), from the Committee on Military Affairs, to which were referred the following bills and joint resolution, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 10472) to provide for restoration of the old Fort Vancouver stockade (Rept. No. 1196);

A bill (H. R. 11355) authorizing the Secretary of War to convey by revocable lease to the city of Springfield, Mass., a certain parcel of land within the Springfield Military Armory Reservation, Mass. (Rept. 1197); and

A joint resolution (H. J. Res. 115) approving the action of the Secretary of War in directing the issuance of quartermaster stores for the relief of sufferers from the cyclone at Lagrange and at West Point, Ga., and vicinity, March, 1920 (Rept. No. 1198).

Mr. CAPPER, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 4300) to create a Federal cooperative marketing board, to provide for the registration of cooperative marketing, clearing house, and terminal market organizations, and for other purposes, reported it with amendments and submitted a report (No. 1207) thereon.

WHITE RIVER BRIDGE

Mr. SHEPPARD. I report back favorably without amendment from the Committee on Commerce the bill (S. 4306) granting the consent of Congress to R. L. Gaster, his successors and assigns, to construct a bridge across the White River, and I submit a report (No. 1199) thereon. I ask for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole, and it was read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to R. L. Gaster and his successors and assigns to construct, maintain, and operate a bridge and approaches thereto across the White River at a point suitable to the interests of navigation at or near the town of Augusta, in the county of Woodruff, in the State of Arkansas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The State of Arkansas, or any political subdivision or division thereof, within or adjoining which said bridge is located, may at any time, by agreement or by condemnation in accordance with the laws of said State, acquire all right, title, and interest in said bridge and the approaches thereto constructed under authority of this act, for the purpose of maintaining and operating such bridge as a free bridge, by the payment to the owners of the reasonable value thereof not to exceed in any event the construction cost thereof: *Provided*, That the said State or political subdivision or division thereof may operate such bridge as a toll bridge not to exceed five years from date of acquisition thereof.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ARKANSAS RIVER BRIDGE

Mr. SHEPPARD. I report back favorably from the Committee on Commerce, with amendments, the bill (S. 4284) granting the consent of Congress to the Yell and Pope Countries bridge district, Dardanelle and Russellville, Ark., to construct, maintain, and operate a bridge across the Arkansas River at or near the city of Dardanelle, Yell County, Ark., and I submit a report (No. 1200) thereon. I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments were, in line 9, after the name "Arkansas," to insert a comma and "and in accordance with the provisions of an act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906," and to insert the following new section:

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

So as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the Yell and Pope County bridge district, Dardanelle and Russellville, Ark., to construct, maintain, and operate a bridge and approaches thereto across the Arkansas River at a point suitable to the interests of navigation at or near the city of Dardanelle, in the county of Yell, in the State of Arkansas, and in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OHIO RIVER BRIDGE

Mr. SHEPPARD. From the Committee on Commerce I report back favorably with an amendment the bill (S. 4320) to extend the time for constructing a bridge across the Ohio River between Vanderburg County, Ind., and Henderson County, Ky., and I submit a report (No. 1201) thereon. I ask for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment was, in line 5, after the word "built," to insert "by the Commonwealth of Kentucky and the State of Indiana," so as to make the bill read:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge authorized by the act of Congress approved June 7, 1924, to be built by the Commonwealth of Kentucky and the State of Indiana across the Ohio River between Vanderburg County, Ind., and Henderson County, Ky., are hereby extended one year and three years, respectively, from the date of approval hereof.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WARREN:

A bill (S. 4363) authorizing the Secretary of the Interior to convey certain land in Powell town site, Shoshone reclamation project, Wyoming, to Park County, Wyo. (with accompanying papers); to the Committee on Public Lands and Surveys.

By Mr. COPELAND:

A bill (S. 4364) to amend the immigration act of 1924; to the Committee on Immigration.

By Mr. FERRIS:

A bill (S. 4365) for the relief of the Detroit Fidelity & Surety Co. (with accompanying papers); to the Committee on Claims.

By Mr. FLETCHER (by request):

A bill (S. 4366) authorizing and directing the Secretary of the Treasury to immediately reconvey to Charles Murray, sr., of De Funiak Springs, Fla., the title to that certain lot conveyed to the Federal Government by deed dated January 9, 1917; to the Committee on Public Buildings and Grounds.

By Mr. WHEELER:

A bill (S. 4367) to provide for extension of payment on homestead entries on ceded lands of the Fort Peck Indian Reservation, State of Montana, and for other purposes; to the Committee on Indian Affairs.

CHANGE OF REFERENCE

Mr. JONES of Washington. I ask unanimous consent that the Committee on Military Affairs may be discharged from the further consideration of the bill (H. R. 1446) for the relief of Charles W. Gibson, alias Charles J. McGibb, and that it be referred to the Committee on Naval Affairs. This is in accordance with the view of the chairman of the Committee on Military Affairs.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL

Mr. PHIPPS submitted an amendment providing that the Secretary of the Treasury be directed, in compliance with the requirement of the so-called Pittman Act to instruct the Director of the Mint to purchase in the United States of the product of

mines situate in the United States, and of reduction works so located, 14,589,730.13 ounces of fine silver in accordance with those certain allocations of silver and silver dollars to the Director of the Mint for subsidiary coinage by the Secretary on certain dates, and the orders to purchase the said silver contained in said allocations, and each of them, respectively, at and for the sum of $1 per ounce, and the same, together with all other silver bullion purchased under the said Pittman Act, shall be coined into silver dollars, etc., intended to be proposed by him to the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

FOREST EXPERIMENT STATION

Mr. JOHNSON of California. Mr. President, I ask unanimous consent for the immediate consideration of the bill (S. 4156) to authorize the establishment and maintenance of a forest experiment station in California and the surrounding States. It is essential that the bill be considered by the Senate now in order that action may be obtained in the House. It has the approval of the Secretary of Agriculture and the Budget. It provides for a forest experiment station under the direction of the Secretary of Agriculture, with an appropriation of $50,000, which is conceded by both the Budget and the Secretary of Agriculture to be appropriate and necessary to establish and maintain the station.

The PRESIDENT pro tempore. Is there objection?

Mr. UNDERWOOD. Of course, I have no desire in the world to interfere with the passage of the bill as requested by the Senator, but there is a matter of great importance before the Senate that I would not be willing to have delayed unnecessarily. If there is any delay in the passage of the bill——

Mr. JOHNSON of California. If there is any delay I will withdraw the request.

Mr. JONES of Washington. I ask the Senator whether the bill actually makes an appropriation or simply authorizes it?

Mr. JOHNSON of California. It authorizes the appropriation.

Mr. JONES of Washington. That is right.

Mr. KING. I would like to have the bill read. I do not know whether it establishes a precedent that may come to plague us or not.

The PRESIDENT pro tempore. The bill will be read.

The reading clerk read the bill.

Mr. KING. I would like to inquire of the Senator from California, and I do it for information, why the agricultural college of his State or of Nevada or some other State in the West was not selected as the instrumentality for making the investigations?

Mr. JOHNSON of California. They are making investigations, but this being an interstate affair, and the forest fires being of such a character that it is believed to be a national problem because of interstate fires, the experiment station was determined to be under the Secretary of Agriculture. I have a very long report here from the Secretary of Agriculture justifying it.

Mr. KING. I have no objection to the bill.

There being no objection, the bill was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That in order to determine and demonstrate the best methods for the conservative management of forest and forest lands and the protection of timber and other forest products, the Secretary of Agriculture is authorized and directed (1) to establish and maintain, in cooperation with the State of California and with the surrounding States, a forest experiment station at such place or places as he may determine to be most suitable, and (2) to conduct, independently or in cooperation with other branches of the Federal Government, the States, universities, colleges, county, and municipal agencies, business organizations, and individuals, such silvicultural, dendrological, forest fire, economic, and other experiments and investigations as may be necessary.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $50,000, or so much thereof as may be necessary, to carry out the purpose of this act, including the erection of buildings and payment of other necessary expenses, such sum to be immediately available, and to remain available for expenditure during the fiscal year ending June 30, 1926.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES F. JENKINS

Mr. SMITH. Mr. President, there is a measure on the calendar which I called up the other morning and it went over on objection. It is calendar No. 1216, the bill (S. 1633) for the relief of James F. Jenkins. It is a claim that has been unanimously reported by the Committee on Claims and which the War Department itself says ought to be paid. A judgment has already been obtained against certain property on account of the mistake made by the Government that is proposed to be cured by the bill. I ask unanimous consent for its immediate consideration.

Mr. UNDERWOOD. I suppose the Senator from South Carolina is willing to withdraw it if it brings about any debate?

Mr. SMITH. I do not think it will bring about any debate, because, as I said, it is a measure which the War Department approves. It went before the Committee on Claims and was reported favorably by the Senator from Missouri [Mr. SPENCER], the committee recommending its passage.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from South Carolina?

Mr. COPELAND. I object to the consideration of the bill.

The PRESIDENT pro tempore. Objection is made.

MOORE ON CONFISCATION OF PRIVATE PROPERTY

Mr. BORAH. Mr. President, I ask permission to have printed as a Senate document some 10 pages from John Bassett Moore's last book on international law touching the subject of the confiscation of private property.

Mr. MOSES. Mr. President, the matter being copyrighted, has the Senator secured the consent of the holder of the copyright?

Mr. BORAH. No; I have not. That is a question some one else will have to raise.

Mr. MOSES. The practice heretofore has been not to undertake to print copyrighted matter in the RECORD unless with the consent of the holder of the copyright.

Mr. BORAH. I can, of course, read it into the RECORD.

Mr. MOSES. I am not attempting to prevent the printing of it. I do not want to enter any objection to the printing as a document or in the RECORD or in any other way.

Mr. BORAH. I will telegraph the publishers and ask for permission.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. BORAH. I yield.

Mr. NORRIS. I do not understand that there could be any possible objection to the Senator reading the extract. I have not read it myself, but I have read about the book. I have read reviews of the book, which has just been published, and I think from what I have read about it it has a direct bearing upon a bill that is now pending before the Foreign Relations Committee. It has come from an authority probably as eminent as there is in the world on that subject. I do not know what the view is of Judge Moore except that I know something about him, and I believe I could say in advance what his view would be on such a question. It is a vital thing. It would be very good for Senators and everybody in the country to read what he has written. So far as I am concerned, I would like to have the Senator from Idaho read it.

Mr. MOSES. With all of what the Senator from Nebraska has said I am in cordial agreement. It is not a question at all of how the matter affects legislation now pending or what are Mr. Moore's views. I am simply stating in my capacity as chairman of the Committee on Printing what the practice has been with reference to copyrighted matter being printed in the RECORD. The Senate of the United States has no more right to violate a copyright than anybody else.

The PRESIDENT pro tempore. Does the Chair understand the Senator from Idaho to withdraw for the present his request?

Mr. MOSES. I understood the Senator from Idaho intends to communicate with the publishers of the book and get permission to use it. We ought not to infringe a copyright any more than an individual ought not to infringe it.

Mr. NORRIS. I would like to make an inquiry.

The PRESIDENT pro tempore. The Senator from Nebraska will state the inquiry.

Mr. NORRIS. I do not know whether it will be a parliamentary inquiry of the Chair, but it strikes me if that is the rule I am afraid I have violated it a good many times.

Mr. MOSES. It is not a rule; it is the practice of the Committee on Printing and has been ever since I have been chairman of it. Whenever I have been on the floor and copyrighted matter has been offered I have undertaken to ascertain in advance before giving consent.

Mr. NORRIS. I am only asking for information, because I do not want to violate such a rule even unconsciously, if there is such a rule. I was suggesting that the matter be read. I would like to hear it read. Is there any violation either of law or ethics if a Senator here in debate reads extracts from a book that is copyrighted by the author?

Mr. MOSES. I know of none, but if the Senator from Idaho should undertake to read it he would immediately encounter objection on the part of the Senator from Alabama [Mr. UNDERWOOD], who has been objecting to anything that delays action upon the question before the Senate.

Mr. NORRIS. I think the Senator from Idaho would have the right to read it.

Mr. BORAH. I think the Senator from Idaho is sufficiently familiar with the rules to know that he has the right to read it if making a speech upon the subject, but I do not desire to trespass upon the situation in that way.

Mr. MOSES. Of course, if the Senator wishes to make a speech upon the point of order by reading from Judge Moore's book on international law, he can do so.

Mr. BORAH. Certainly.

Mr. UNDERWOOD. I have no objection to the request of the Senator from Idaho.

The PRESIDENT pro tempore. The Chair understands that the request is not to be acted upon.

Mr. BORAH. I ask permission to have the matter printed as a Senate document, but will state that before the printing has actually taken place I will communicate with the publishers in regard to it. I am perfectly willing to satisfy the Committee on Printing to that effect.

Other business having intervened,

Mr. BORAH. Mr. President, what became of my request?

The PRESIDENT pro tempore. The Chair understood that the Senator from Idaho wanted to make certain inquiries before the request was acted upon.

Mr. BORAH. No; I submitted the request and stated that before the printing actually takes place I will communicate with the publishers in regard to it. The publication of only a small portion of a chapter is not in any sense a violation of the copyright law in my opinion, but I am perfectly willing to satisfy the Committee on Printing to that effect.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Idaho? The Chair hears none, and it is so ordered.

RECOGNITION AND REWARD OF THE WORLD FLYERS

Mr. BINGHAM. From the Committee on Military Affairs I report back favorably without amendment the bill (H. R. 12064) to recognize and reward the accomplishment of the world flyers, and I submit a report (No. 1202) thereon. I ask unanimous consent for the immediate consideration of the bill.

Mr. UNDERWOOD. Mr. President, I have no objection to the consideration of this bill, with the understanding with the Senator making the request that if it shall lead to protracted debate he will withdraw it.

Mr. BINGHAM. Certainly.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the President is hereby authorized to advance Capt. Lowell Herbert Smith, Air Service, United States Army, 1,000 files on the promotion list; First Lieut. Leigh Wade, First Lieut. Leslie Philip Arnold, and First Lieut. Erick Henning Nelson, in recognition of their accomplishment in circumnavigation of the globe by aeroplane, all of the Air Service, United States Army, 500 files each on the promotion list: *Provided*, That the officers hereinbefore named be, and remain, extra numbers in their grade to be carried as extra numbers up to and including the grade of colonel: *Provided further*, That nothing in this act shall operate to interfere with or retard the promotion to which any other officer on the promotion list would be entitled under existing law.

SEC. 2. The President is hereby authorized, by and with the advice and consent of the Senate, to commission Technical Sergt. Henry Herbert Ogden, Air Service, United States Army (second lieutenant Air Service, Officers' Reserve Corps), and John Harding, jr., second lieutenants, Air Service, Officers' Reserve Corps, as second lieutenants, Air Service, United States Army, to be placed on the promotion list next after the second lieutenant who immediately precedes them on the date of the approval of this act: *Provided*, That nothing contained in this act shall operate to increase the total number of commissioned officers of the Regular Army of the United States now authorized by law.

SEC. 3. The President is hereby authorized to present to Maj. Frederick L. Martin, Air Service, United States Army, and to Sergt. Alva L. Harvey, Air Service, United States Army, and to each of the officers of the Regular Army and Officers' Reserve Corps hereinbefore named, a distinguished-service medal, and each of them is hereby authorized to accept any medals, or decorations tendered to or bestowed upon them by foreign governments.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUITS IN ADMIRALTY

Mr. CAPPER. I submit a conference report on House bill 9535, which I ask may be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9535) authorizing suits against the United States in admiralty for damage caused by and salvage services rendered to public vessels belonging to the United States, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment, and agree to the same.

ARTHUR CAPPER,
SELDEN P. SPENCER,
THOMAS F. BAYARD,
Managers on the part of the Senate.

G. W. EDMONDS,
CHARLES L. UNDERHILL,
JOHN C. BOX,
Managers on the part of the House.

Mr. CAPPER. I ask unanimous consent for the immediate consideration of the conference report.

The PRESIDENT pro tempore. The Senator from Kansas asks unanimous consent for the immediate consideration of the conference report. Is there objection?

Mr. NORRIS. Mr. President, I realize that I am not going to have time to examine into the various conference reports which are now being presented by Senators. They are coming in almost by the dozen every day. Such reports are made here and they are taken up and adopted without even being read or printed. No Senator can know just what is in them. As a matter of ordinary care in the passage of laws, unless there is some reason why a different course should be taken, conference reports ought to be printed and should lie over one day.

Mr. KING. I agree with the Senator as to that, and I hope he will make that suggestion.

Mr. NORRIS. I repeat that unless there shall be some reason why conference reports should be immediately considered that course should be pursued. I do not wish to be making objections to conference reports. I realize that even should they go over, my work is such that I, perhaps, would not have an opportunity to examine into them, but there are other Senators who will have such opportunity. We are making laws, Mr. President, under which the people of the United States will have to live. We now have a question of order before the Senate on an appeal from the decision of the Chair on the very point that conferees exceeded their authority under the rule.

Mr. BAYARD. Mr. President, will the Senator from Nebraska yield to me?

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Delaware?

Mr. NORRIS. I yield.

Mr. BAYARD. I suggest that this conference report merely provides for a change of a date from 1917 to 1920, in order to coincide with the provision in the House bill. It involves merely that single change.

Mr. NORRIS. And that is the only change?

Mr. BAYARD. That was the only change made. The Senate amended the House bill by fixing the date as of April 6, 1917, whereas the House bill had fixed it as of April 6, 1920. The House refused to concur in the amendment. So the conferees were appointed, and their report is now submitted. It fixes the date according to the terms of the House bill as originally passed. That is the only change which has been made in the bill.

Mr. NORRIS. What is the subject matter of the bill?

Mr. BAYARD. It is in reference to bringing actions for damages in admiralty cases against the United States. The bill passed the House of Representatives unanimously.

Mr. NORRIS. As I understand, it proposes to change the date of the expiration or the beginning of the statute of limitations.

Mr. BAYARD. No; the House bill provided that no such action should be brought before April 6, 1920. The bill passed the House unanimously in that form after an extended discussion on the floor. When it came here the Senate committee recommended and the Senate adopted an amendment putting

the date back to April 6, 1917. To that amendment the House disagreed. Then the bill went to conference, and the Senate conferees agreed to recede from the Senate amendment, the effect of which is to go back to the original House provision making the date April 6, 1920.

Mr. NORRIS. Mr. President, really that is what I suspected it might be. It involves the question of the statute of limitations, does it not?

Mr. BAYARD. To that extent; yes.

Mr. NORRIS. It changes the statute of limitations to the extent of three years?

Mr. BAYARD. The action of the Senate in receding from its amendment brings the statute forward three years. In other words, it prevents people from bringing suit for accidents occurring prior to April 6, 1920. Under the Senate amendment that right would have accrued back to April 6, 1917, but under the bill as it now stands, according to the conference report, the right to sue is precluded unless the cause of action arose after April 6, 1920.

Mr. NORRIS. It brings the time for the operation of the statute of limitations to 1920 instead of 1917?

Mr. BAYARD. That is right. The House insisted upon its amendment.

Mr. NORRIS. That explanation is satisfactory to me, as far as I know, but I wish again to call attention to the fact that while merely a change of a date is involved the change of a date affecting the statute of limitations may mean a billion dollars to the taxpayers of this country. It is an exceedingly important question. If the statute of limitations against claims commences to run in 1920 instead of 1917, or if it were brought up to a later date, that very change of date might mean a multitude of claims that might be legalized in one case but be illegal in another case.

I am not criticizing this bill; in fact, I know nothing whatever about the matters involved; but I only call the attention of the Senate to the exceedingly great importance even of the change of a date in a conference report. I call the attention of the Senate to the magnitude of some of these slight changes. It only emphasizes, it seems to me, what I said awhile ago.

The PRESIDENT pro tempore. The Chair desires to state that the conference report can only be considered by unanimous consent.

Mr. NORRIS. I am not going to object after the explanation which has been made.

Mr. CAPPER. I move that the Senate agree to the conference report.

The PRESIDENT pro tempore. Is there objection to the consideration of the conference report?

Mr. KING. I should like to ask the Senator from Delaware [Mr. BAYARD] briefly to state the results of this bill should it be enacted and the object which is sought to be accomplished by it? It is, I think, an important bill, as indicated by the Senator from Nebraska [Mr. NORRIS].

Mr. BAYARD. I will say to the Senator from Utah that this bill was thoroughly discussed the other evening when we had the calendar under consideration. In substance, it allows claimants on account of maritime accidents to sue as of right in the Federal courts.

Mr. KING. To sue the Government as well as individuals?

Mr. BAYARD. Of course, the right to sue individuals already exists. This bill gives the right to sue the Federal Government not only in the case of American citizens, but it gives nationals other than our own the right to do so. There is in the file on the Senator's desk a very exhaustive report showing that the Department of Commerce, the Department of State, the Department of War, and the Department of the Navy all advocate the passage of this measure. Both Houses of Congress have had submitted to them every year many claims of this character. During the present session of Congress nearly 200 claims bills have come up for the purpose of authorizing individuals to sue in a maritime court on account of accidents in which some vessel of the Government was involved. This bill will do away with all that. There are many such claims of the nationals of other countries as to which the Secretary of State has to make an adjustment, and generally he pays nearly two for one in settling such matters. The bill is looked upon as an excellent piece of legislation. It was argued exhaustively in the House of Representatives, and was passed unanimously by that body after a long discussion on both sides of the question.

Mr. KING. Let me ask the Senator this question: Suppose a collision occurred in 1910 or 1915 under circumstances where it is alleged the Government was at fault, or that there was negligence upon the part of a Government boat, would this bill permit suit to be brought now?

Mr. BAYARD. No, this bill provides that no action may be brought for an accident which occurred prior to April 6, 1920. It limits the time set for the beginning of the action. Suit may be brought for any accident that occurred subsequent to April 6, 1920, but not prior to that.

Mr. KING. Why did the conferees fix the date of 1920 instead of 1922 or 1923?

Mr. BAYARD. The reason was this: The original idea was, because of the many accidents which occurred after the declaration of war on our part on April 6, 1917, that we should fix the date at that time. That was considered by the House; but, after much discussion and consultation, particularly with the Department of Justice, the date was advanced to April 6, 1920, because of the great volume of the accidents which had occurred. The House, therefore, in passing the bill changed the date to April 6, 1920. In the Senate the committee felt justified in recommending an amendment putting it back to 1917; the House disagreed to that amendment, and the conference report as now presented fixes the date as of April 6, 1920.

Mr. KING. Mr. President, I have no objection.

The PRESIDENT pro tempore. Is there objection to the present consideration of the conference report? The Chair hears none. The question is on agreeing to the conference report.

The report was agreed to.

INTEREST RATE ON INDEBTEDNESS OF COMMON CARRIERS

Mr. UNDERWOOD obtained the floor.

Mr. McLEAN. Mr. President, will the Senator from Alabama yield to me for a moment?

Mr. UNDERWOOD. I do.

Mr. McLEAN. I wish to say, Mr. President, that more than two weeks ago the steering committee put Senate bill 3772, which is commonly known as the railroad interest rate bill, at the top of the list of measures that were to be considered at an early date. As the introducer of this bill I have had no reasonable opportunity to ask for its consideration, and I think it my duty to say now that as soon as the pending measure shall be disposed of and before the McFadden banking bill is disposed of I shall move to take this measure up and ask the Senate to consider it.

MUSCLE SHOALS

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H. R. 518, relating to the disposal of Muscle Shoals, etc.

The PRESIDENT pro tempore. The question now before the Senate is, Shall the decision of the Chair upon the points of order made by the Senator from Nebraska [Mr. NORRIS] stand as the judgment of the Senate?

Mr. UNDERWOOD. I will say, Mr. President, I do not expect to take any great length of time. On the day before yesterday I discussed the points of order made by the Senator from Nebraska, and I do not care at this time to go into a general discussion of the subject, because I have already covered the main points. I desire this morning in my discussion of the question whether the ruling of the Chair shall be sustained by the Senate to confine my remarks to the decision of the Chair. I wish to call to the attention of the Senate the statement of the Chair in the first part of his ruling, where he says:

> In the ruling the Chair is about to make the text of the House bill is entirely disregarded, for, in the opinion of the Chair, it can not be fairly claimed that the two Houses in their original action agreed upon any point or upon anything.

I take it, Mr. President, that that ruling, in the opinion of the Chair, eliminates the Ford bill, so far as the question of the two Houses coming together in the same frame of mind is concerned, under the first part of clause 2 of Rule XXVII. The Chair excludes from his consideration any point of order based on the fact that there has been an agreement between the two Houses on any of these points. So I shall confine my argument this morning to the question as to whether there is new matter in this report—new matter that is contrary to Rule XXVII.

A little farther down in the decision, the Chair stated:

> This means—

Referring to the decision that he was not considering the House bill—

> This means that, in the judgment of the Chair, the points of order must depend upon a comparison of the Senate bill with the report of the conference committee.

I do not think we can consider this question from that standpoint. It is true that the Ford bill so far as Mr. Ford is concerned is dead, because he has withdrawn his offer; but it is not dead as a legislative proposition. The conferees could take it back to conference, report the Ford bill here with some other name, and it would be a live legislative proposition. I therefore contend that the substance of the Ford bill, if found in this report, was warrant for the conferees in inserting anything of substance in the Ford bill in the report now before the Senate.

The Chair cites the fact that—

> The subjects of the Senate bill were—
>
> First. The disposition by lease of certain specified property belonging to the Government situated at or near Muscle Shoals, Ala.
>
> Second. In the event of a failure to lease or in the event of a cancellation of the lease the operation of the property so leased, together with other property, by a Government-owned corporation.

I think that is a broad statement of the question, and I think it is correct, that the subject matter of this legislation is the disposition of the property at Muscle Shoals.

Then the Chair says:

> There can be no doubt that the changes made in the Senate bill in conference are germane in a broad, general sense to the subjects dealt with in the Senate bill, and if that is the test to be applied, the points of order must be overruled.

In other words, the Chair has found that every insertion made in this bill by the conferees is applicable and germane to the conference report in the broad sense of the disposition of this property at Muscle Shoals.

Now we come to the real question, why the Chair decided that the point of order was well taken; and as to that, after referring to Rule XXVII, the Chair says that an amendment was made relating to the consideration of appropriation bills, which reads as follows:

> The Committee on Appropriations shall not report an appropriation bill containing amendments proposing new or general legislation, and if an appropriation bill is reported to the Senate containing amendments proposing new or general legislation a point of order may be made against the bill, and if the point is sustained, the bill shall be recommitted to the Committee on Appropriations.
>
> It has seemed to the Chair that the words "new matter," as found in Rule XXVII, and "new legislation," as found in Rule XVI, must mean practically the same thing. The fact of the identity of these two phrases makes it all the more important that the ruling upon the points of order now before the Senate shall be correct.

I do not think that the adoption of the rule in reference to appropriation bills affected the adoption of the rule in reference to conference reports, nor do I think that one should be based upon the other; but I have no objection to the language that the Chair uses in regard to likening the propositions, and his holding that a point of order against a conference report should be sustained only if there is new legislation involved in the bill, on the broad proposition of new legislation in an appropriation bill.

We all know that an appropriation bill carries appropriations only, and legislation in an appropriation bill is new matter. It is in regard to some other question that is not involved in the appropriation bill, unless it may be incidentally by an appropriation of money. Therefore I understand that the Chair bases his ruling upon the proposition that to sustain a point of order under Rule XVI there must be such a change as will amount to new legislation in an appropriation bill.

Legislation, as defined by the dictionaries, is the—

> Act of legislating; preparation and enactment of laws.

The definition of a law is:

> A rule of conduct or action which is prescribed, or is formally recognized as binding, by the supreme governing authority and is enforced by a sanction.

It is the enactment of "a rule of conduct or action." I am quoting from Webster. I am not combating under that definition the position of the Chair, so far as the theory goes. I think that is correct. If there is new legislation under these circumstances, the points of order should be sustained. The Chair has not indicated the points in this report wherein the conferees have violated the definition that he has laid down as governing his decision. The Senator from Nebraska [Mr. NORRIS] has indicated them in his points of order, and unless some new proposition is presented I presume that the Senate will decide the question on the matters that have been brought to its attention.

Mr. President, I think that if anyone will take this conference report and try the case on the fundamental principles laid down there as to whether there has been a violation of its terms by the conferees, it is perfectly apparent that the insertions in this conference report do not come within the rule. For instance, take the insertion of the clause in this bill that authorizes an appropriation of $100,000 to the President, and authority on his part to employ clerks, for what purpose? The clause itself indicates the purpose. It is to enable the President to make the lease, to enable the President to make the very lease that the Senate bill carried to conference. Is that new legislation within the definition of the Chair in the construction of this rule? Certainly not, because if it is new legislation, if it is new law, it must be able to stand alone on its own legs; but if we eliminate the balance of the bill, there is nothing whatever for this clause to stand upon. There is nothing that it would be applicable to, unless we couple it with the suggestion that the President is entitled to lease the plant.

As to Dam No. 3, Dam No. 3 was authorized in the Senate bill, as it was also authorized and provided for in the House bill. The conferees enlarged the language in the Senate bill in regard to the building of Dam No. 3; but if we strike out of the bill the language that was in the Senate bill, the new language put in by the conferees has nothing to stand upon. It is not new legislation. It is not a new proposition standing on its own feet. It would mean nothing whatever if we took away from it the language that is already found in both bills. Therefore it does not come within the rule of legislation or new law. It can not come within the rule, because striking out what was already in conference, as put in there by the two Houses, would leave the balance of the language meaning nothing. Therefore it was merely an effort on the part of the conferees to modify the language that had been submitted to them in conference.

Mr. NORRIS. Mr. President, may I interrupt the Senator there?

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Nebraska?

Mr. UNDERWOOD. Yes.

Mr. NORRIS. The Senator says it was put in to modify the language. Will the Senator point out what language in either one of the bills it does modify?

Mr. UNDERWOOD. About Dam No. 3?

Mr. NORRIS. No; the new clause which the Senator says could not stand on its own legs. What part of either bill did it modify?

Mr. UNDERWOOD. I do not know whether the Senator is now asking me a question about Dam No. 3 or about the appropriation for the President.

Mr. NORRIS. I referred to the appropriation for the President. I understood the Senator was discussing that now.

Mr. UNDERWOOD. No; I had left that and gone on, but I will go back to it. It will take me only a moment.

Mr. NORRIS. It is section 11.

Mr. UNDERWOOD. This is the way the new section reads:

> SEC. 11. The President is hereby authorized and empowered to employ such advisory officers, experts, agents, or agencies as may in his discretion be necessary to enable him to carry out the purposes herein specified, and the sum of $100,000 is hereby authorized, to enable the President of the United States to carry out the purposes herein provided for.

What are "the purposes herein specified"? The making of a lease to some citizen of the United States to carry on this endeavor at Muscle Shoals is the purpose that is specified. It is said that this is new legislation. Suppose we took section 11 out and stood it by itself, outside of this bill, with nothing to refer to. It would make no sense, it would have no power, because when you came to construe it you would say, "What are the purposes? Why can he employ these men? Why can he ask for this appropriation? There is nothing to stand on." But the language here used "for the purposes herein specified," means, of course, that it is to enable the President to make this lease. That is not new legislation. That is supplemental language, to help the President carry out the very purpose of the language that was submitted to the conferees.

I am not going to take up the time of the Senate in a lengthy debate, but if Senators will take each particular point that has been brought to their attention, and will examine the bill with a view to determining whether the point really constitutes a new enactment, and whether it could stand alone if we should withdraw what was sent to conference, it will be perfectly apparent that no one of the provisions could stand alone.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. UNDERWOOD. I yield.

Mr. LENROOT. If, instead of the authorization of $100,000, that section had made an outright appropriation of a hundred million dollars, does the Senator think that would not have been new matter?

Mr. UNDERWOOD. I do not think the sum cuts any figure.

Mr. LENROOT. Then the Senator would say that that would be in order?

Mr. UNDERWOOD. Suppose we had passed a bill making an indefinite appropriation, expecting it to be a few thousand dollars, but the conferees had brought in a report authorizing the appropriation of a hundred million?

Mr. LENROOT. I said "appropriated," not "authorized."

Mr. UNDERWOOD. Well, appropriating a hundred million. It would be a question for the Senate to determine as to whether they would accept the conference report or not. It would not be subject to a point of order.

Mr. LENROOT. I wanted to know the Senator's view. He does not think that would be new matter?

Mr. UNDERWOOD. No; I do not. Of course, as is suggested to me by my friend the Senator from Oklahoma [Mr. OWEN], we have to act within the rule of reason. If the Senate conferees, within their jurisdiction, carry the matter to an extreme which would shock the sense of the Senate, that would not make it subject to a point of order. I could cite many instances to the Senator where conferees might strictly, within the terms of a conference, change the reading of a bill so that it would be repulsive to the Senate; but that would not make it subject to a point of order. It would then be a question as to whether the Senate would accept the conference report or not.

Mr. LENROOT. The only purpose of my inquiry was to get clearly the Senator's view as to what is new matter, and I think the Senate now has it.

Mr. UNDERWOOD. I think so, too. I think the test as to whether matter is new or not is clearly dependent on whether the inserted matter would mean anything if it were not for the context of the bill; and I think that is what the Chair has held. In fact, the Chair holds that this matter is germane, but the Chair goes to the point, although he does not specify, of expecting the Senate, when the language is changed in any substantial way, to decide that it is subject to a point of order.

Mr. President, I will not go into the details of all the points raised, because, as I have said, I have pointed out two of the principal ones. I think if Senators will take everyone up that has been made on this floor, they will find that it could not stand alone.

I say, however, that general parliamentary law, from almost the beginning, has been practically the same as the House rule, that conferees must not insert matter that is not germane to the text submitted to them.

Mr. NORRIS. Mr. President——

Mr. UNDERWOOD. But that they can submit matter that is germane, and within the limitations of the text of the bills that go to conference.

Mr. NORRIS. Mr. President, the Senator has answered the question I was about to ask him.

Mr. UNDERWOOD. I do not think the Senator from Nebraska will dispute that that is the rule of the House.

Mr. NORRIS. I will not agree to that; however, when the Senator modified it, stating that it must be within the limits of the two bills, he answered the question I was about to propound. I do not agree with what the Senator said about the germaneness.

Mr. UNDERWOOD. That is the rule of the House, in my judgment. I think it has been sustained, and I read to the Senate the other day a decision by Speaker GILLETT stating very emphatically that that was the rule of the House. It is the rule under general parliamentary law. It should be the rule in the Senate, and in my judgment when the Curtis amendment was adopted, that was made the rule.

We have decided this question in various ways, sometimes with more latitude than at others, because the Senate has never been very strict in determining its parliamentary rulings. But if we go to the extent indicated by the Chair in his ruling, we will tie the hands of the Senate conferees so that in the future they will be held down to the strict language of the bill submitted to conference, and we will experience great difficulty in arranging legislation between the two Houses.

It not only affects this bill, but it will affect many other bills, and I think it will be found that if we uphold a decision now holding that new language in a conference report makes it objectionable, whenever conference reports on conflicting bills are presented in the future, they will be subject to points of order.

I will not take up the time of the Senate further, because I should be glad to see a vote on this point of order at as early a date as possible, and I think the Senate understands the proposition. But I did not want to let the ruling go by without calling to the attention of the Senate the viewpoint from which I consider it.

PROPOSED STATE TAX ON COTTONSEED-OIL PRODUCTS

Mr. SMITH. Mr. President, at some time during the day I hope to have an opportunity to discuss the ruling of the Chair on the point of order raised against the conference report on the Muscle Shoals matter, but I take this occasion to call to the attention of the Senate what I consider to be the most serious question that has arisen in this country in years. I refer to the contemplated action of several States in reference to the imposition of local taxes on the products of other States. Of course, I recognize the fact that under the Constitution commodities can not be discriminated against as they pass from one State to another, but after a product has been brought within the borders of a State and is offered for local sale and distribution the State has power to impose a tax upon it.

I had hoped that when this matter was brought to the attention of the public through this body the States which were said to be contemplating this action would realize what a far-reaching and terrible effect it would have upon the relations of the States to each other, and particularly upon the relation of the agricultural interests of one State to those of another.

It is perfectly natural, it is human nature, for those who have labored industriously to build up a product to try to protect it by all legitimate means, but there is no law, human or otherwise, that should intervene between the consumer of an article and those who can furnish a given article in greater quantities and at a lower price than others.

In reading the telegram offered this morning for the RECORD I deplored the spirit that seemed to be behind the communication. It showed a spirit of resentment at interference on the part of the State's representative in this body. This representative had called the attention of his legislature to what might be a disastrous result from this action. He did it in the spirit which ought to characterize all of the States, as well as their representatives here.

The practical result of this legislation, if carried through at the instance of an organized body such as I am led to believe are the sponsors for the legislation, would inevitably be to lead a State adversely affected to retaliate, and with the power of local taxation lodged in the States heaven only knows what the end may be.

The States which we have been informed contemplate passing this legislation are the ones which produce articles that are consumed in great quantities in the very States which are producing the fatty substances of cottonseed oil and from peanut oil.

The prunes of Oregon and California find a ready and grateful market in the States which produce cottonseed. The potatoes of Idaho and the other States of the Northwest find a ready and an abundant market in the cotton-growing States. The hay, almost an indigenous crop of the West and Northwest, is sold in startling quantities in the South.

I say "startling." It is startling when we consider that were we to devote our cotton acreage throughout those States to hay growing we could grow as much or perhaps more to the acre than the Western States, but they can not grow cotton and we can. They can grow hay and so can we. We can produce butter in as great abundance as the States that have preempted that field. We have not seen fit, nor was it perhaps proper for us, to devote our cotton acreage to grazing purposes, cattle raising, and butter making, but we can do it. Perhaps the finest herd of Guernsey cattle in America to-day is within 11 miles of my home. In every venture we have made in animal industry we have found that the quality of our product is equal to any produced in the West. The West had its broad acres hardly fit for anything but grazing; hence the cattle industry drifted where the grazing was abundant and cheap and where corn was abundant and cheap; but under the intensive system of farming in vogue in the Southeast we can raise the corn, the hay, and the cattle. But it perhaps would not be wise to force us by this foolish action to do what we could abundantly do for ourselves were the West thus to make it necessary and profitable.

This is a serious problem, Mr. President, and the reason why I took occasion to refer to it is because once started, no one can tell where the end may be. Another deplorable element in it is that we are just at the dawn of an entirely new era in agriculture. We are getting the fundamental principles of practical cooperation well rooted and grounded. We want the sympathetic coordination and cooperation of every agricultural product, not in one great whole, but each one cooperating to protect his own when it comes to the question of him con-

trolling the price thereof and the distribution thereof under the laws of our country, without each State attempting to coerce the other States in desisting from the production of a given article, but recognizing what can be produced the more abundantly and more cheaply and put upon the market under the control of those who produce.

This action, which seems to bring antagonism between the different agricultural interests of the country, is particularly deadly at this time. We have foes enough outside of the agricultural interests for us to fight without beginning a warfare amongst ourselves. I hope that the representatives of those States which contemplate taking this action, some of them having gone so far as already to have the proposed legislation passed through their legislative bodies, will take the spirit in which I am making this appeal and will use every effort in their power to stay the hands of their legislatures. All of us can understand the tremendous and vital issues that are at stake.

Mr. SHORTRIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from California?

Mr. SMITH. I am glad to yield.

Mr. SHORTRIDGE. What is the immediate danger that the Senator fears? What legislation is under way or contemplated which the Senator thinks would be harmful and directly or remotely injurious to the whole Nation?

Mr. SMITH. I refer to the contemplated legislation to which our attention was called by practically every representative of the cotton-growing States at the instance of the governors of those States who wired us of the contemplated legislation. I have before me, in the RECORD of Thursday, February 19, a telegram from the Governor of Idaho received by the Senator from Idaho [Mr. GOODING] which reads as follows:

BOISE, IDAHO, *February 18, 1925.*

Senator FRANK R. GOODING,
United States Senate, Washington, D. C.:

Bill introduced at request of dairy association places heavy license on manufacture, wholesaling, retailing, and serving of any fatty substance in imitation of butter. Bill passed house to-day with heavy vote. From what I know about the bill I think it is too radical in demands.

C. C. MOORE.

I presume the Senator from Idaho had wired to know what was the situation. I understand similar measures have been introduced in perhaps eight or more States. It has been suggested to me by a Senator sitting near me that perhaps the Senator from California does not see the relevancy to California and other Western States.

Mr. SHORTRIDGE. May I say that I quite fully sympathize with the sentiment thus far expressed by the Senator. I wish merely to be advised what legislation is under way which, according to the views of the Senator, would be contrary to the spirit of true Americanism.

Mr. SMITH. It is the contemplated imposition of a practically prohibitive tax on the products of cottonseed oil. It is needless for me to call the attention of this body to the fact that the butter interests of America caused the Congress to pass a law placing a tax of 10 cents per pound on oleomargarine. Some time after the passage of that act I was a member of a subcommittee of the Senate, I believe it was in 1912, to investigate the high cost of living. The late Senator Lodge was a member of that subcommittee. We had before us at that time Doctor Wiley, then the head of the Bureau of Chemistry, Department of Agriculture, in charge of the enforcement of the pure food law. In response to certain categorical questions by me as to the nutritiveness, if I may use that term, the palatability, the digestibility, and the general wholesomeness of pure oleomargarine as compared with pure Elgin butter, he gave his opinion. It is in the permanent RECORD that he believed it was equal in all those respects to Elgin butter, and then he suggested a possible fifth characteristic that might add to its attractiveness, which characteristic I had never heard of before, when he said that when colored with pure extract of carrots it was as golden and as beautiful as Elgin butter. Since that testimony by Doctor Wiley science has discovered a process by which we need not use the oleo process in crystallizing and hardening cottonseed oil. It makes, therefore, a splendid substitute for butter. It makes a splendid substitute for lard. It is a virile competitor of olive oil in the packing and bottling business. The fact is, I believe, that some canners of fish, like sardines, and the packers of certain forms of meat and vegetables where oil is required prefer the pure refined cottonseed oil to olive oil. In the matter of the cottonseed meal there is no finer fertilizer ever went on the soil. That has been attested by the Department of Agriculture. In putting cattle in market condition, I think if the cattlemen were present they would with one accord agree that there is not a substance known to cattle raisers equal to cottonseed meal for fattening and conditioning cattle for the market.

Mr. DIAL. Mr. President, will the Senator yield?

Mr. SMITH. I am glad to yield to my colleague.

Mr. DIAL. I notice that the Senator has mentioned various articles that we buy. May I remind him that last year we bought 117,000,000 pounds of meat that was fed by corn raised in the West, and that we buy large quantities of cheese from those various States?

Mr. SMITH. I am glad that my colleague called attention to that fact. One hundred and seventeen million pounds of western bacon was bought in my State, fattened with western corn, transferred from the corn into the hogs, and the meat shipped into our State. The great corn-producing States are the very ones that are contemplating enacting legislation which in its effect would deny the market of all those States to the substances derived from these vegetable products.

Mr. FLETCHER. Mr. President, may I interrupt the Senator to suggest, too, that whereas it was very questionable whether the taxing power under the Constitution went to the extent that was gone to in reference to the tax on oleomargarine, I believe that law has been sustained. The effect of it, without arguing its merits one way or the other, was to use the taxing power of the Government to practically destroy a great industry. A similar result would be accomplished in the present situation.

Mr. SMITH. I am glad the Senator has called my attention to that infamous tax on oleomargarine. I use the expression "infamous" for the reason that it was not for the purpose of regulating the industry, but for the purpose of denying it the right to compete in the market with butter.

Mr. FLETCHER. The real purpose was not to raise revenue by levying a tax, but to cripple that industry and strangle it.

Mr. SMITH. Every purpose could have been served had we required by law that the article should be labeled what it was and put on the market to try in the field of opportunity to sustain itself on its merits. Beyond that we had no right to go and that action stands as a stigma on the Congress of the United States when it went far enough to impose a burden on an agricultural product in favor of another product when the merits of the two should have been determined in the market itself. The South did not intend nor did we attempt to deceive the purchaser. We said, "Stamp it what it is—vegetable oil, cottonseed product, butter made from cottonseed product, and let it try itself in the market." But it was loaded down with a tax, not to raise revenue, as the Senator from Florida reminds us, but loaded down with a tax that denied it the market which it had a right to enter on a competitive basis according to its merits. One of the first things this body should do in justice to itself and the citizens it represents is to repeal that infamous tax and require the commodities to be stamped what they are and leave the public to use such as in its judgment the prices and quality may warrant.

Now, following on the heels of that situation come the States, and under their constitutional power they propose to deny the markets of those States to the products of other States because they have the power to tax, not to raise revenue, but to protect a local production.

Mr. President, I think Senators from those States, without any further argument on my part, can understand and appreciate the deadly and far-reaching effect of the proposed legislation and will help me and others to create a sentiment that will make it impossible for such legislation to be enacted.

Mr. HEFLIN. Mr. President, I am heartily in sympathy with my good friend the Senator from South Carolina in his position on this matter; and I have here a telegram from the governor of my State of Alabama and from the commissioner of agriculture of that State on the very subject upon which he has just addressed the Senate which I desire to have printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. OVERMAN in the chair). Without objection, it is so ordered.

The telegram is as follows:

MONTGOMERY, ALA., *February 19, 1925.*

Hon. J. THOMAS HEFLIN,
United States Senate, Washington, D. C.:

We are advised that bills pending in the Legislatures of Wisconsin, California, Idaho, Indiana, Missouri, Nebraska, Ohio, Oregon, and Utah are designed to prevent sale of cotton oil products. Please investigate. Take such action as seems advisable, and call on us for any needed support of your efforts.

WM. W. BRANDON, *Governor.*
J. M. MOORE,
Commissioner of Agriculture.

Mr. HEFLIN. Mr. President, if such legislation as that to which the Senator from South Carolina [Mr. SMITH] has referred is permitted to get a foothold in this country, retaliation is bound to take place. Nobody knows where it would end. For instance, I believe the time would come when those who produce wool might undertake to say that cotton goods should not come into their States, or they might put a tax on cotton goods, and they would have just as much right to do that as other States would have the right to put a tax on the products of cottonseed oil. If such a course is to be pursued, the time might come when the South might not want corn products to come there from other States.

I remember that two or three years ago some doctor gave out the opinion that pellagra was caused by eating corn meal. I think it was one of the most ridiculous statements that I ever read, and yet the subject was discussed for a while, and some of our prominent agriculturists said an effort was being made to hurt corn products in favor of wheat products.

Mr. President, if this thing shall be permitted to go on, the States which produce cottonseed oil and various products from cottonseed meal are bound to want to retaliate against the State that undertakes to destroy that industry. I think, therefore, the speech of the Senator from South Carolina is very timely, and I am glad to see that Senators from the Western States, where this legislation is contemplated, are so heartily opposed to such a dangerous and outrageous course.

THE DAIRY FARMER AND THE TARIFF

Mr. WALSH of Massachusetts. Mr. President, I ask unanimous consent to have printed in the RECORD an article from the Journal of Farm Economics of January, 1925, by Prof. B. H. Hibbard, of the department of agricultural economics of the University of Wisconsin, entitled "The tariff on American dairy products."

Mr. President, on February 17 the Senator from North Dakota [Mr. LADD] had printed in the RECORD an article by an officer of a national milk producers' organization entitled "The American farmer and the tariff." I believe the article which I request unanimous consent to have printed to be of particular value in connection with the article printed in the RECORD at the request of the Senator from North Dakota, as it refutes some of the optimistic views of the author of the article in question as to the great gain of the farmer from the tariff and the craving for more tariffs as described to exist in farming circles.

Professor Hibbard is connected with one of the greatest agricultural colleges in the United States; he certainly ought to know what farmers are thinking and how they reason. His article, showing how the tariff has unfavorably affected the farmers, I am sure will be most interesting.

The PRESIDING OFFICER (Mr. OVERMAN in the chair). Without objection, leave is granted for the printing in the RECORD of the article presented by the Senator from Massachusetts.

The article is as follows:

THE TARIFF ON AMERICAN DAIRY PRODUCTS[1]

(By B. H. Hibbard, University of Wisconsin)

It was inevitable that the American manufacturer would ask for an increased tariff at the close of the World War. It was no less inevitable that the farmer would likewise ask for a tariff on his products at the same time. Furthermore, there was every probability that the demand on the part of the farmer would be granted by Congress with little hesitation. This was true in general because of the attitude of the dominant party toward protection, and specifically because of the necessity of keeping the Middle West satisfied with the policies of the party. Thus it was the manifest destiny of the farmer to get a tariff on anything and everything in so far as he cared to ask for it. Along with the sweeping demand for a general agricultural tariff, the tariff on dairy products was not only sure to be included, but much more, it was sure to occupy a prominent place.

It may be well to notice that dairy product prices had risen less, relatively, than several other of the leading farm products during and just following the war. Quite as striking is the fact that the prices of dairy products fell less during the time of declining prices than was the case with cereals and livestock. In other words, the prices of dairy products have fluctuated less since 1917 than have the prices of farm products in general.

EXPORTS AND IMPORTS

The trade in dairy products between this country and the outside world has never been large relatively. In 1890, we were exporting 30,000,000 pounds of butter, or 2.5 per cent of the amount made. By 1900 the exports were under 20,000,000 pounds and represented less than 1.5 per cent.

In 1910 the exports were 3,000,000 pounds, or a fifth of 1 per cent. This situation changed little till after the war began, which is to say that we had just about reached a balance with respect to foreign trade in butter before the disturbance of both price and production due to war conditions. With the rise in prices of butter in Europe our exportations reached 25,000,000 pounds, or about 1.6 per cent, distinctly below the percentage of exportation 30 years earlier. At the close of the war we were exporting a tenth of our cheese, and in addition enough condensed milk to equal 50,000,000 pounds of butter. Thus all told we were exporting not far from 2 per cent of all dairy products made.

With the falling of world prices in 1920 the American price for a time was the best obtainable, and butter in small amounts was imported. The imports exceeded the exports for about three and a half years, 1920 to 1924, even in spite of an 8-cent tariff passed in 1921. The quantity imported was not large at any time, the greatest amount being 26,000,000 pounds in 1921, about 1½ per cent of the amount used in this country. The imports declined until within the past few months they have virtually ceased, and butter is again on the export list.

The most interesting phase of the butter tariff and the movement of butter into or out of the country is linked closely with domestic production and prices. During the war, and after, butter rose in price with other farm products, but relatively not so high. It rose in round numbers 140 per cent above the 1913 price, while corn, wheat, cotton, and wool reached nearly 200 per cent over the 1913 level. The rush into the dairy business was not so pronounced as in various other agricultural lines, due in part to the more moderate rise in price, but no doubt much more on account of the difficulties involved in expanding greatly the dairy output. Almost at once increased dairy production, beyond, say, 10 per cent, calls for a proportional increase in the labor requirements, a difficult condition to meet.

With the drop in general farm prices dairy products fell less relatively than most other goods the farmer had to sell. The result was that the New York price of butter was high enough to permit the importation of a little butter in spite of the tariff. The production of dairy products during 1921, 1922, and 1923 was clearly more profitable than the production of hogs, beef cattle, corn, or wheat—the things which compete most against dairying for attention. The outcome of these price relationships was logical. Dairy products increased slowly and steadily throughout this three-year period. Assuming the most favorable view of the action of the tariff by conceding that the price was higher because of the 8-cent duty, the conclusion as to the ultimate result is inevitable. In 1921 the production of milk rose 10 per cent above that of 1920. The next year there was an added increase of 4 per cent, and in 1923 an increase over 1922 of 7 per cent. The increase has continued throughout most of 1924. The demand for dairy products is not able to stand an increase of such proportions, almost 20 per cent in three years, without a decided drop in price and a return to the world market for an outlet for the surplus. Both of these results have happened. The price of butter for the present month, December, 1924, is 13 per cent lower than a year ago. The current receipts per month are during the past few months about 10 per cent higher and the price about 10 per cent lower than a year ago, while the amount in cold storage is almost double the normal.

The conclusion is inevitable. During some two or three years there was a favorable margin between the cost and the price of dairy products. The dairyman responded normally, and now an oversupply brings a reversal of the situation. A good case may be made to show that the tariff on butter, and likewise on cheese, was effective for some two or three years previous to 1924. How effective it was is a question not altogether easy of answer, since there is no way of determining conclusively at any given time whether the price was held at a particular level by the influence of the tariff, or whether the home supply and demand alone were mainly responsible.

The difficulty lies in determining just when these products would have been imported had there been no tariff. Frequently the amounts received were incidental, not to say accidental, and too small to be conclusive. This is never admitted by those who believe firmly in a tariff on agricultural products. In case of any importation whatever, whether from Mexico or Denmark, whether a thousand pounds or a million, the proponents of agricultural tariffs invariably jump to the conclusion that we are on an import basis and that the home price is greater by the amount of the tariff than it otherwise would be.

TOTAL EXPORTS EXCEED IMPORTS

A point usually overlooked by all who believe we have already profited greatly by the butter tariff, and appreciably by the tariff on cheese, is that in terms of total dairy products we have been on an export basis substantially all the time. The net imports of butter and cheese have been overbalanced by the exports of condensed milk. In 1922 and 1923 we were close to the point of equilibrium, with imports a little greater than exports during the latter year, but again in 1924 the total exports exceed the imports. This situation is full of meaning to anyone who knows the strong tendency of the various

[1] This paper was read at the fifteenth annual meeting of the American Farm Economic Association, held in Chicago, Dec. 30, 1924.

dairy products to bear each about the same relationship to milk in the matter of price. There may be discrepancies for a time, but it is inconceivable that milk, the primary product, should be worth greatly more for use in one line of manufacture than in another. For a time there may be a difference, but the tendency for the difference to disappear is irresistible. Thus with milk, condensed, to be found on the export list means that butter as an import can not assume major proportions, and before an import tariff can be of more than incidental importance we must produce not more, but less, than we need of the products made out of milk. The same old conundrum is asking for a solution: How shall an import tariff be made effective on an export product? Even though little be exported, how shall a tariff be more than temporarily and incidentally useful in relation to a product which will respond as do butter, cheese, and milk to a price stimulus? We vote to get off the world market; we insist that we are off it, and independent of it to the extent, say, of an 8-cent tariff; and before we can get the good news to the parties concerned, behold we are again looking for customers for a surplus. When prices are high we ask for a tariff in order to keep the market to ourselves, and then immediately produce enough more to bring the price down.

Dairy products are about the best examples of goods which may be helped a little, or not at all, by a tariff, yet may be made to appear popularly as an excellent example of a product of the farms helped by restriction of imports. The difficulty arises in seeing how unlike these products are, from the farmer's standpoint, in contrast with such products as sugar, wool, steel rails, or cutlery. We do not, and will not, produce our own sugar. That is to say, we will not until our minds become much weaker, or our backs much stronger. The American farmer was told 25 years ago that he could better his condition by growing sugar beets at $100 an acre rather than corn at $15. He was not told in these fairy tales that he could grow but one-eighth as many acres of beets as of corn, and that he would be less than an eighth as happy in doing so. These latter corollaries were discovered in the demonstration of the main proposition. The American farmer will grow a few beets under certain circumstances, but an attempt to supply the market with beet sugar, home grown, changes the circumstances, and the expansion ceases. As to wool we are told by some enthusiast in almost every department of animal husbandry that a small flock of sheep well tended is more profitable than cows, and not half as hard work. A group of superpatriots, incidentally interested in the woolen business, see in a wool tariff a means of making the Army efficient, and hence unselfishly vote for more tariff on wool. But wool is thus far mainly a pioneer crop, and the lack of demand for mutton in large quantities makes either the meat or the wool of the sheep low enough in price so that farmers can not be induced to produce wool in abundance.

No elaborate argument is needed to show why a tariff on steel may be helpful to steel manufacturers. Only big companies can operate in this field, and they have a well-developed habit of producing about the amount needed at a price satisfactory to themselves. Cutlery, and the thousands of wares made out of steel or other metals, are similar in this important respect. The small manufacturer is absorbed by the larger, or is content to remain a follower rather than to take the lead in price determination. Under these circumstances the tariff works.

In contrast with the above, dairymen are numerous. Seventy per cent of the farmers of the whole country are dairymen to some extent. This means that about four and a half million farmers have at least one cow each. In addition to these, almost a million town people are keeping one or more cows each. Thus the equivalent of about five out of six farmers keep cows. With many of them milk is a by-product and no account of its cost is seriously considered, yet the total amount of such products is important in the supply. While temporary variations in price can not result in a sudden abandonment or development of dairying as a business such as takes place within a year or two in the growing of wheat or potatoes, or in the production of hogs, there is an opportunity to respond in a degree almost immediately to the demands of the market. This is illustrated in the fall in the total quantity of dairy products for the years 1919 and 1920, caused by the failure of the prices of these products to keep pace with other prices and the difficulty of keeping the necessary supply of labor on the farms. The higher prices, relatively, for dairy products following the collapse of 1920, which resulted in a prompt increase in production following that date, took place more promptly than changes in the numbers of dairy cows. The differences were due to methods of feeding and the care given the cows.

It seems reasonable to predict that the present low prices of dairy products will result in a diminished supply, mainly because of the unfavorable balance between these prices and the cost of mill feeds and labor. In this time of adversity the tariff offers no hope or, if any, it is merely that after the supply has once more been adjusted to the home-market requirements, once more the protection will be effective; which in time would mean another prompt stimulation of production with the inevitable fall of prices back to the export level.

The action of the tariff on the price of products such as butter or cheese may be likened to an attempt to keep a pot just below the boiling point. Should a temperature of 211° be looked upon as desirable, but boiling over undesirable, the technique of applying more heat would become a problem not easy of solution. In a laboratory where conditions are under control, the case would be simple. A thermometer and a Bunsen burner would provide the necessary equipment for maintaining the desired temperature. The case under consideration is more like that of a pot over a camp fire, the temperature at a given time being a matter of guesswork. Should it be decided that more fuel is needed and all hands set to work to fetch and apply it, it may develop that a single stick is sufficient to bring the contents of the pot to the fatal point. Thus when a cargo of butter or cheese heads for an American port, there is consternation among all producers of dairy products. They feel that theirs is a vested right to the home market. A tariff is the added fuel, and within a short time the boiling point is reached with a spilling over in the form of exports.

The friends of tariffs in general will insist that the tariff on dairy products is worth while even though it was effective for two or three years only. This is a superficial view of the case which looks less favorable on close examination. The higher price, due in part to the tariff, during 1921 to 1923, resulted in efforts to increase production, efforts which can not easily be abandoned. New equipment and larger herds, with their attendant expenses and investments, are not readily reduced to proportions desirable under present conditions.

A modern poet has said: "The harder you fall, the higher you bounce"—a very cheerful doctrine. On the other hand, it is painfully true in the prosaic world of hard knocks that the further and harder the fall, the longer must be the period of convalescence, or the more certain the funeral. No farmer would acknowledge it, yet without doubt many are now in worse straits financially than they would have been had the prices not been stimulated artificially right after the World War.

If it is really the case that a general tariff on agricultural produce will work, giving the American farmer an American price for his goods, then is it true that the doctrine of isolation is defensible, and we should teach and apply mercantilism in its entirety. Economists have generally believed that a tariff was a means of giving one class of workers an advantage over another class with which it had dealings. Many friends of the farmer are now accusing the economists of being a century and a half behind the times, these enthusiasts having discovered that all-around protection is entirely feasible and that a national prosperity can rise above and remain independent of world markets. This view is the result of a price economy concept. In the minds of these new-era protectionists, all the farmer has to do in order to overcome the disadvantage now evident between himself and the industrial world is to imitate the methods by which the industrialists have gained the advantages now enjoyed. This would not be so far from the truth were they able to follow the program of the industrialists fully. To follow it in the matter of a tariff and fail to control production is to ask for a husk without a kernel. Analogies are misleading. Because the tariff operates on sugar is no reason why it must do so on butter. Sugar, American grown, is scarce. Butter, American made, is plentiful, painfully so. What the situation will be a generation hence we do not know, but at present a tariff on butter and cheese is about as effective as Wouter Van Twiller's campaigns against the Swedes carried on by proclamation.

The conclusions, mainly adverse, do not mean that the tariff on dairy products should be repealed. They merely mean that not much is to be hoped from the tariff on dairy products in the way of relief. In this the situation is not unlike that of agriculture in general. We are an exporting country, and will be for several decades yet to come.

Tariffs on dairy products

Commodity	1922 [1]	Act of—		
		1913	1909	1897
Butter and substitutes, per pound	$0.08	$0.025	$0.06	$0.06
Cheese and substitutes, per pound	.05	.01	.03	.06
Condensed and evaporated milk, per pound	.015	Free.	.02	.02

[1] Most of the rates for 1922 went into effect upon the passage of the emergency tariff act of 1921.

Production of dairy products, 1899, 1909, 1919–1923

Year	Butter (1,000 pounds)	Cheese (1,000 pounds)	Milk (1,000 pounds)	Per cent increase
1899	1,492,000	298,000		
1909	1,619,000	320,000		
1919	1,628,000	480,000	90,058,000	
1920			89,657,000	
1921			98,862,000	10.3
1922			102,562,000	3.7
1923			109,736,000	7.0

Imports and exports of dairy products, United States, 1899–1923

Year	Butter		Cheese		Condensed milk	
	Exports (1,000 pounds)	Imports (1,000 pounds)	Exports (1,000 pounds)	Imports (1,000 pounds)	Exports (1,000 pounds)	Imports (1,000 pounds)
1899	19,374	52	36,777	10,720	----------	----------
1909	5,981	646	6,823	35,548	----------	----------
1919	34,556	9,519	14,159	11,332	852,865	16,509
1920	27,155	37,454	19,378	15,994	710,533	23,756
1921	7,829	34,344	10,825	16,585	266,506	19,273
1922	7,511	9,551	7,471	34,271	288,628	2,037
1923	9,410	15,772	8,446	54,555	159,956	7,276

WABASH RIVER BRIDGE AT MOUNT CARMEL, ILL.

Mr. LADD. Mr. President, I ask unanimous consent at this time for the immediate consideration of Order of Business 1264, being the bill (S. 4307) to authorize the States of Indiana and Illinois in the States of Indiana and Illinois to construct a bridge across the Wabash River at the city of Mount Carmel, Wabash County, Ill., and connecting Gibson County, Ind. It is desired to have this bill disposed of at once.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXAMINATION AND SURVEY OF RIVERS IN WASHINGTON

Mr. JONES of Washington. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 11737) authorizing preliminary examinations and surveys of sundry rivers with a view to the control of their floods, and I submit a report (No. 1204) thereon. If there is no objection, I ask unanimous consent for the immediate consideration of the bill. If it takes any time, I will withdraw the request.

Mr. HEFLIN. Mr. President, I should like to inquire of the Senator from Washington does this bill contain a provision for surveys in order to obtain information regarding power sites?

Mr. JONES of Washington. No; the bill simply relates to the survey of certain rivers in the State of Washington.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause preliminary examinations to be made of the following rivers, with a view to the control of their floods, in accordance with the provisions of section 3 of "An act to provide for the control of the floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes," approved March 1, 1917:

Skykomish River, Snoqualmie River, Snohomish River, and Stillaguamish River, all in Snohomish County, State of Washington, and the Nooksack River in Whatcom County, State of Washington.

SEC. 2. That the sum of $2,000, or so much thereof as may be necessary, be, and is hereby, authorized to be appropriated to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers to carry out the objects and purposes of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMERICA'S INTEREST IN AIRSHIP CONSTRUCTION

Mr. COPELAND. Mr. President, on January 12 last I addressed the Senate briefly on America's interest in airship construction, and at that time called attention to the attitude of the Council of Ambassadors toward the Zeppelin Co. in Germany. Senators will recall that the Council of Ambassadors is charged with the enforcement of the treaty clauses relating to airships. The council permitted Germany to resume the construction of commercial airships from and after May 1, 1922. At some time the council has defined what is meant by commercial airships. It defined a commercial airship as one having a cubic gas content of 1,000,000 feet or less. Afterwards it permitted the Zeppelin Co. to build the *ZR–3*, which we call the *Los Angeles*, with a cubic content of two and one-half million feet.

Of course, Mr. President, we in this country are more and more interested in the construction of airships and in the use of airships, not only for governmental and Army and Navy purposes but for commercial purposes.

When I spoke in January I pointed out to the Senate that the *ZR–3* cost us 38 cents a cubic foot, while the very cheapest that we can construct airships in this country is from $1 to $1.25 per cubic foot; indeed, the *Shenandoah*, I think, cost $1.37 a cubic foot. In addition to that, it will take us years because of our lack of equipment and personnel to complete such ships.

Mr. SHIPSTEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Minnesota?

Mr. COPELAND. I yield to the Senator.

Mr. SHIPSTEAD. Does the Senator mean that the action of the Council of Ambassadors would make it impossible for the United States to buy more of these airships if it should want them?

Mr. COPELAND. It would do more than that, I will say to the Senator, for if the Council of Ambassadors does not take steps to prevent such action, the Zeppelin works will be dismantled, and we will not be able to buy from them; the airships will not be made. What I now point out to the Senator and to the Senate, as I attempted to present it to the Senate in January, is that the attention of the Council of Ambassadors should be called to this matter, for if some action should not be taken it would be a world calamity. I am sure the Senator agrees with me as to that.

Mr. SHIPSTEAD. Yes. I believe the Senator submitted a resolution on the subject.

Mr. COPELAND. I did. I submitted resolutions which were referred to the Committee on Foreign Relations. I have learned nothing about them since, but before I finish to-day, I may say to the Senator, I intend to urge the Committee on Foreign Relations to take action on those resolutions. I think that Senators who are at all interested in this problem must appreciate how important it is that the great works of the Zeppelin Co. should not be dismantled until we have established a personnel and facilities in this country with which to make the airships, and that is true, of course, of other countries than ours. So, from my standpoint, it is tremendously important that the Council of Ambassadors be impressed with the attitude of this country that we disapprove of dismantling the Zeppelin works.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Minnesota?

Mr. COPELAND. I yield.

Mr. SHIPSTEAD. As I understand, the company is now allowed to make large airships for commercial purposes only.

Mr. COPELAND. That is correct.

Mr. SHIPSTEAD. If the plant is dismantled, they will not be permitted to make them even for commercial purposes?

Mr. COPELAND. That is true.

Mr. SHIPSTEAD. So, in case the United States Government should want to buy some of these airships for the purpose of carrying mail or for the purpose of safe communication in the air—and I understand they are the safest kind of airships—the market would be closed to us and we would not be able to purchase them?

Mr. COPELAND. That is entirely correct; that is exactly the situation.

I may say, too, following the hint given me by what the Senator has said, that such commercial airships have been used for a period of 15 years in Germany, and their operation is so safe that the insurance companies make no extraordinary rates for pilots, but they are insured just the same as people who walk on the earth are insured, because of the safety of those great airships. But as the Senator from Minnesota just suggested, unless the council of ambassadors shall act to save the works of the Zeppelin Co., if we should want to buy airships there will not be any market; there will not be any place where we can go to buy them, and it will take us several years—three or four years—to build here what could be built in six or eight months by the Zeppelin Co., if those works were permitted to continue their operation for the manufacture of commercial airships exclusively.

Mr. SHIPSTEAD. Let me ask another question. It occurs to me that the purchasing of such airships would come under the classification of payments in kind for debts owed by Germany to this country, and, if I am not mistaken, if we continue to buy the airships we can make the price apply on the debt.

Mr. COPELAND. I think the Senator is entirely correct as to that.

Mr. SHIPSTEAD. That would give the German Government a chance to make payment on her debt to us.

Mr. COPELAND. If we are to prohibit the manufacture of everything in Germany, they never will be able to pay any of their debts. If the Dawes plan is to succeed, there must be encouragement given to manufacturers in Germany which will permit them to have income. This is necessary in order that they may not only pay their operating expenses but have a surplus with which to pay their debts.

Here is an enterprise to which certainly there can be no objection, certainly on the part of our country, because we are not prepared to make these airships. The Zeppelin Co. would not compete with anybody who wanted to go into business here, but, if permitted to operate, the Zeppelin Co. could supply us at a very low figure. I pointed out that the *ZR-3* cost us 38 cents a cubic foot, while the *Shenandoah*, built here, cost $1.37 a cubic foot. So, for the sake of encouragement of the use of airships for the carrying of the mails and for other purposes, certainly it is to the interest of this country to have the Zeppelin Co. permitted to operate.

Mr. President, I rose to my feet not only to present to the Senate the difficulty the Zeppelin Co. is having in its efforts to operate, to build commercial airships, by reason of the failure of the Council of Ambassadors to act, but to point out to the Senate the attitude of France toward this proposal of building airships in Germany. I am convinced that every effort is being made to defeat the operation of the Zeppelin plant.

Very recently, only a few days ago, the finance commission of the French Chamber of Deputies submitted a report to the President of the Chamber. This report was presented by Deputy Henry Paté, and I desire to refer to the third paragraph of the budget of the Ministry of Public Labor for 1925. I refer particularly to that part of the budget which relates to aeronautics and to airships. This appeared as French Official Publication No. 521. In this report, to be specific, on pages 24 and 25, the conditions relating to the German air service are described, and here are laid out detailed statements concerning the great German air service companies, like the Zeppelin Co. to which I have referred; and the report includes the cartels, the written agreements or conventions between this company and various foreign nations, regarding the building of airships. I want the Senate to listen to the comment of this report, particularly this remark, which I will translate, badly, perhaps, but at least it will give the Senate some knowledge of what the report contains.

The French text is as follows:

Il est certain que la constitution de semblables cartels leur donne une grande puissance financière et une grande puissance d'action.

La navigation aérienne française aura à lutter contre ces groupements pour s'assurer la suprématie aérienne. Cette lutte tourne actuellement en notre favour car les cartels allemands possèdent un matériel commercial inférieur à celui de nos compagnies, mais la situation pourrait changer le jour où, grâce à l'intervention de gouvernements étrangers, l'aviation allemande obtiendrait la revision des règles techniques actuellement imposées à l'Allemagne pour la construction du matériel aéronautique commercial.

That is to say—

It is certain that the formulation of such agreements gives them (meaning Germany) great financial power as well as independence of action.

Then the report goes on to say:

French air navigation will have to combat these arrangements, these groupings, in order to secure for France the supremacy of the air. This struggle veers at present in our favor, for the German cartels have commercial arrangements inferior to those of our companies; but the situation may change on the day——

Mark this, Mr. President:

The situation may change on the day when, thanks to the intervention of foreign governments, the technical rules now imposed on German aviation will be revised for the construction of aeronautic commercial material.

Meaning that they will not be able any longer to make these airships in the plant of the Zeppelin Co., and that thereby the cause of France and of French aeronautics will be advanced.

So you can see, Senators, that here is an open acknowledgement by the finance committee of the French chamber that the so-called defining regulations which were said to have been intended to prevent the construction and operation of military aircraft in Germany actually serve to prevent the development of civil air service in Germany in favor of French commercial air service. Therefore, the defining regulations are an economic weapon for France. With this admission, the unreliability of the defining regulations of the Council of Ambassadors is proven.

It is my opinion, Mr. President, that America can not afford to disregard the European situation as regards this particular matter; and I desire now to repeat the questions which I asked on the 12th of January in this Chamber:

Are our international commercial policies forever to be controlled by alien diplomatic coercion? Is our advantage in having the world's only known helium supply to be nullified by selfish foreign influences?

It is our right to know why we are deprived of the freedom to buy airships from the best source; why the Council of Ambassadors has not kept its promise to revise the restrictions on Zeppelin-built airships for commercial purposes, if and when the council intends to make this promise good; why a peaceful commercial industry should continue to be under allied political ban, at great cost to Germany, to reparation payments, to aerial progress, to the United States, and to the world at large.

Mr. President, I think it is right to call the attention of the Foreign Relations Committee to the resolution which I presented on the 5th of January, asking—

that the executive department be requested to ascertain from the Council of Ambassadors its present atitude toward such promised revision and to inform the Senate thereof, if not inconsistent with our national interests.

I believe it is necessary for the progress of aviation in this country that we should know what is to be the fate of the Zeppelin Co., and, so far as within our power lies, to have the Zeppelin Co. permitted to proceed with the manufacture of airships for commercial purposes until personnel and equipment in this country shall justify us in proceeding along similar lines.

ORIGIN AND CAUSES OF WORLD WAR

Mr. OWEN. Mr. President, I ask unanimous consent to present a report from the Foreign Relations Committee on Senate Resolution 339. I should like to have it disposed of at this time.

The PRESIDING OFFICER. Without objection, the report will be received. Is there objection to the present consideration of the resolution?

Mr. WILLIS. Let the resolution be read.

The resolution (S. Res. 339) submitted by Mr. OWEN on the 16th instant was read, as follows:

Resolved, That the legislative reference service of the Congressional Library shall cause to be prepared for the Senate an impartial abstract and index of all authentic important evidence, heretofore made available in printed form or otherwise readily accessible, bearing on the origin and causes of the World War, omitting all inconsequential matter. The abstracts shall be submitted to the Committee on Foreign Relations not later than February 1, 1926.

Mr. WILLIS. Mr. President, I do not object to the consideration of the resolution. I should like to propound an inquiry to the Senator from Oklahoma.

Mr. OWEN. I shall be pleased to answer it.

Mr. WILLIS. I was not able to be present at the session of the committee. Was this resolution reported by the Foreign Relations Committee?

Mr. OWEN. I was authorized by the Committee on Foreign Relations to report it. It has been some days and I desire to get it off my hands, because I shall have to leave the city in a day or two.

Mr. WILLIS. I do not object.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution? The Chair hears none. The question is on agreeing to the resolution.

The resolution was agreed to.

ENFORCEMENT OF NATIONAL PROHIBITION LAW

Mr. CARAWAY. Mr. President, there is now on the Senate Calendar a bill to reorganize the Bureau for the Enforcement of Prohibition. Perhaps it will not accomplish all that its friends predict. If not, at any rate it will not bring about the evil results its enemies profess to fear. That it will serve one useful purpose, I think, all will concede.

By its prompt passage it will put to rest an evil propaganda spread by the enemies of prohibition, that the eighteenth amendment and the laws enacted in furtherance thereof have failed, and that prohibition—national prohibition—has worked evil and not good, and that the Congress will shortly repeal or greatly modify the so-called "Volstead act."

Those who have so constantly and loudly proclaimed this were either consciously or unconsciously but giving voice to those who wished that result. The passage of this bill will

silence this clamor. It will serve notice upon the enemies of this measure that prohibition has come to stay; that Congress will never repeal or modify the prohibition laws; that never again will any one legally sell or legally buy for beverage purposes intoxicating liquors in America. When that fact shall have been fully realized, then most of the opposition to the enforcement of this law will disappear. Therefore, the prompt passage of this measure will be the most helpful thing that Congress can do.

That Congress will do this, and pass this measure by an overwhelming majority, all realize. Therefore let us do it promptly.

Those who declare that prohibition does not prohibit, but that under national prohibition the drinking of intoxicating liquors has increased instead of diminished do but reveal that the wish is father to the thought.

Notwithstanding that the public press is filled with stories of drinking bouts, of the illicit manufacturing and sale of intoxicating liquors, and a whole literature is growing up about the doings of rum runners, every one of us realizes that the drinking of intoxicating liquors is on the decrease and not the increase. Wherever you travel, in town or country, you observe this by the absence of what used to be a familiar sight, the intoxicated man. Last summer I traveled over most of my State. I spent months in it, and I never saw a man who was drunk within the common acceptance of that term. Before, when intoxicating liquors were sold in our State, you saw intoxicated men on all occasions and in all public places, but not more so than elsewhere. In the city of Washington, when liquor was legally sold here, I do not think I ever walked down Pennsylvania Avenue without meeting, not one, but several drunken men. Since national prohibition I do not recall seeing a single man drunk on that avenue. I do not say that some do not drink, that many do not drink; but I do say, and you need but leave this Chamber to verify that fact, that those who now drink and drink to excess are but a small number as compared to those who thus drank in the times of legalized sale of intoxicants.

Of course, unfortunately, there are those the victims of this thirst that had fastened itself on them in the old days who drink and will drink to excess until this habit shall have destroyed them physically, and many of them mentally and morally. There are some who have not acquired the habit, who unfortunately will do so, despite the laws enacted to protect them. Of these the numbers are but few, by comparison with those who have trodden this sordid way to ruin before them, and with each of the passing years their number will grow fewer still, because it is unthinkable that this habit can persist, a habit fostered and encouraged by those who, thinking of nothing but profit, and are not at all disturbed by the ruin they have promoted, have encouraged the violation of this law.

Respect for law is inherent in the descendants of those who laid the foundation of this great Republic It is inherent in those who have and do enjoy their liberties under the law. Respect for and obedience to the law is the duty of all and the pleasure and wish of most of us. It is not to be believed that the desire of all good men, the prayers of all good women, the well wishes of all those who love humanity, shall fail, and only evil survive. It is not to be wished, it is not to be hoped for, and it will not happen! We may hasten the day of national sobriety, the safeguarding of American homes, and the fulfillment of the prayers of American mothers by the prompt and decisive enactment of this measure into law.

Mr. President, I hope that those who have the power to determine what measures may be considered will give the Senate a chance to go on record in this matter.

PROPOSED STATE TAX ON COTTONSEED OIL PRODUCTS

Mr. SIMMONS. Mr. President, I rise for the purpose of discussing the appeal from the decision of the Chair with reference to the conference report upon the Muscle Shoals matter. Before addressing myself to that subject, however, I want to take occasion to make a few general observations with reference to the important matter which the senior Senator from South Carolina [Mr. SMITH] brought to the attention of the Senate this morning. I have been apprehensive for a long time that sooner or later legislation discriminatory among the products of certain States would be attempted in this country, and accomplished to the extent, probably, that the Constitution would permit. Of course, under the Constitution no State can place an embargo on the products of other States, and no State can impose a tax upon a product on entrance into the State, and we need not fear that sort of legislation as long as the Constitution stands as it is now written. But there are insidious and indirect ways in which practically the same result can be accomplished without infringing on the constitutional provision. The practice that has been decided on by certain States, as I understand it, is probably sufficiently adroit to steer clear of any constitutional inhibition.

The product which it is proposed to tax is not produced to any extent in those States where the legislation is pending, but is produced to a large extent in many other States of the Union. Hence a tax imposed upon the product in the nature of a sales tax in any State will not be obnoxious to the constitutional provision, and at the same time will not impose a tax upon anything produced in that State. However, it accomplishes the very purpose the Constitution forbids.

My apprehension is that if this legislation is not halted by a common public opinion in the country, it will be the mere entering wedge for other legislative devices to accomplish a purpose indirectly which under the Constitution can not be accomplished directly, and that the result will be that we shall find the various States of the Union engaged in an effort to discover such ways and such means as they may to discriminate in favor of their own products and against the products of other States. Nothing, in my judgment, could be more unfortunate, nothing could contribute more toward engendering bad feeling in this country, and nothing could do more to obstruct that free flow and exchange of products through which so much of our prosperity has been developed, and upon which our future prosperity as a people so much depends. Nothing could be more unfortunate than retaliatory legislation such as would naturally result from such discriminatory policy on the part of States. How general that would be nobody can foretell, but that such legislation as I have referred to would certainly be followed by reprisal measures I do not question for a moment.

The product which it is proposed practically to embargo in a few States is largely a southern product. It affects two of the basic industries of the Southern States—the production of cottonseed oil and the production of peanut oil. Our market for these products is largely the domestic market. To some extent we export, but we find our chief market at home.

Naturally, we would expect that the section of the country from which we buy most heavily would be the last section of the country to inaugurate legislation of this character. As the Senator from South Carolina [Mr. SMITH] has so well and eloquently said, the South is a very great customer of the agricultural West. We are, so to speak, a one-crop section. Our chief staple crop is cotton. Tobacco is an auxiliary crop of some importance, it is true, but the main agricultural effort of the South is concentrated upon the production of cotton, and the seed in the cotton has become very valuable. It is one of the chief elements of value in cotton, not, as in former times, for use as fertilizer, but to-day it is valuable as a food product and is valuable as an ingredient in the production of oleomargarine and lard.

It would be a severe blow to the South to have these products tabooed and excluded from the market in other States by a tax which would make it impossible for the product to be sold in States enacting such legislation as that now pending. While we find it profitable to produce cotton to the exclusion of most other things, we do not make anything near the amount of corn we consume; we make but a small part of the meat, both pork and beef products, which we consume; and we do not make anything near the amount of hay that we consume. Every county in my section of North Carolina—and I think it is true of the whole State and of the South—buys every year a large part of the hay and of the meat, as well as a large part of the flour it consumes.

I do not say that I would favor retaliation, but if the Southern States were disposed to retaliate and were able to find a method by which they could make that retaliation effective without seriously hurting their own people, I have no question in my mind that there would be a strong disposition to pursue that course. I hope that by giving publicity to this matter, by invoking a sane public sentiment upon the question, we may prevent this movement going so far as to bring about a conflict of the character of which I have spoken. It is of the highest importance to preserve that fine spirit of friendship and cooperation that now happily exists among all the States of the Republic.

CALL OF THE ROLL

Mr. HARRIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MCNARY in the chair). The Clerk will call the roll.

The principal legislative clerk called the roll, and the following Senators answered to their names:

Bayard	Ernst	McKinley	Sheppard
Bingham	Fernald	McNary	Shipstead
Borah	Fletcher	Mayfield	Shortridge
Brookhart	Frazier	Means	Simmons
Broussard	Glass	Moses	Smith
Bruce	Gooding	Neely	Smoot
Bursum	Hale	Norbeck	Stanfield
Butler	Harris	Norris	Stephens
Cameron	Heflin	Oddie	Sterling
Capper	Howell	Overman	Swanson
Caraway	Johnson, Calif.	Owen	Trammell
Copeland	Johnson, Minn.	Pepper	Underwood
Couzens	Jones, Wash.	Phipps	Warren
Curtis	Kendrick	Pittman	Watson
Dale	Keyes	Ralston	Wheeler
Dial	Ladd	Ransdell	Willis
Dill	Lenroot	Reed, Mo.	
Edge	McKellar	Reed, Pa.	

Mr. SWANSON. I wish to announce that the senior Senator from Rhode Island [Mr. GERRY] is detained on account of illness.

The PRESIDING OFFICER. Seventy Senators have answered to their names; a quorum of the Senate is present.

MODIFICATION OF VISÉ FEES

The PRESIDING OFFICER. The Chair lays before the Senate a bill from the House of Representatives.

The bill (H. R. 11957) to authorize the President in certain cases to modify visé fees was read twice by its title.

Mr. SHIPSTEAD. Mr. President, this is a bill identical with Senate bill 4107, to authorize the President in certain cases to modify visé fees, which was passed by the Senate on February 18. While the Senate bill was being transmitted to the House, the House passed an identical bill. I therefore ask unanimous consent for the immediate consideration of the House bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Minnesota?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That notwithstanding existing law fixing the fees to be collected for visés of passports of aliens and for executing applications for such visés, the President be, and he is hereby, authorized, to the extent consistent with the public interest, to reduce such fees or to abolish them altogether, in the case of any class of aliens desiring to visit the United States who are not "immigrants" as defined in the immigration act of 1924, and who are citizens or subjects of countries which grant similar privileges to citizens of the United States of a similar class visiting such countries.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

APPROPRIATIONS FOR THE DISTRICT OF COLUMBIA

Mr. PHIPPS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12033) making appropriations for the government of the District of Columbia, and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1926, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 13, 35, 38, and 39.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 5, 6, 7, 8, 9, 11, 12, 15, 16, 17, 19, 20, 22, 23, 24, 25, 26, 27, 29, 30, 31, 32, 33, 34, 43, 44, and 45, and agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: "except in so far as conditions beyond the control of the commissioners prevent"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "$35,000: *Provided*, That the purchase price shall not exceed the latest full value assessment of such property"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$97,900"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "$24,600"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert: "$5,500"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "in accordance with the classification act of 1923, $61,540"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows: Restore the matter stricken out by said amendment, amended to read as follows: "foremen, gardeners, mechanics, skilled and unskilled laborers"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert: "$431,100"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 1, 21, 28, and 46.

L. C. PHIPPS,
W. L. JONES,
CARTER GLASS,
MORRIS SHEPPARD,
Managers on the part of the Senate.

C. R. DAVIS,
FRANK H. FUNK,
W. A. AYRES,
Managers on the part of the House.

The report was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, returned to the Senate in compliance with its request, the bill (H. R. 7821) to convey to the city of Astoria, Oreg., a certain strip of land in said city.

The message also announced that the House had passed a bill (H. R. 745) for the establishment of migratory-bird refuges to furnish in perpetuity homes for migratory birds, the establishment of public shooting grounds to preserve the American system of free shooting, the provision of funds for establishing such areas, and the furnishing of adequate protection for migratory birds, and for other purposes, in which it requested the concurrence of the Senate.

The message further announced that the House had concurred in Senate Concurrent Resolution 33, requesting the President to return to the Senate the bill (S. 3760) to amend in certain particulars the national defense act of June 3, 1916, as amended, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker of the House had affixed his signature to the following enrolled bills, and they were subsequently signed by the President pro tempore:

S. 2357. An act for the relief of the Pacific Commissary Co.; and

H. R. 157. An act to authorize the more complete endowment of agricultural experiment stations, and for other purposes.

MIGRATORY-BIRD REFUGES

Mr. REED of Missouri. Mr. President, to what committee is the bill to be referred which has just been messaged from the House?

The PRESIDING OFFICER. To the Committee on Agriculture and Forestry.

Mr. REED of Missouri. I suggest that it ought to go to the Committee on the Judiciary.

The PRESIDING OFFICER. The Chair understands that the Committee on Agriculture and Forestry is considering a bill of this character.

Mr. REED of Missouri. It is a bill that proposes to enact a criminal statute.

The PRESIDING OFFICER. Does the Senator from Missouri desire to move its reference to the Committee on the Judiciary?

Mr. REED of Missouri. Yes; I do.

The PRESIDING OFFICER. The present occupant of the chair is informed that the Senator from Iowa [Mr. BROOK-

HART] does not want to have the message handed down at this time, but on the question of reference, if there be no objection, the bill, when it is referred, will be referred to the Committee on the Judiciary.

Mr. REED of Missouri. Who does not want to have the message laid before the Senate?

The PRESIDING OFFICER. The Senator from Iowa [Mr. BROOKHART] does not want to have the message handed down at this time, but the Chair has stated that if there is no objection when the bill is referred it will be referred to the Committee on the Judiciary.

Mr. REED of Missouri. The Senator from Iowa wants to have it lie on the table for the present?

The PRESIDING OFFICER. He does.

Mr. REED of Missouri. Very well; I make no objection.

The PRESIDING OFFICER. The bill will lie on the table for the present.

RETIREMENT OF CIVIL-SERVICE EMPLOYEES

Mr. STANFIELD. Mr. President, I propose the unanimous-consent agreement which I send to the desk.

The PRESIDING OFFICER. The clerk will read the proposed unanimous-consent agreement.

The reading clerk read as follows:

It is agreed by unanimous consent that on Tuesday, February 24, at 1 o'clock, the Senate shall proceed to the consideration of Senate bill 3011, for the retirement of employees, etc., and follow it through the various parliamentary stages to a vote not later than 3 o'clock on that day.

Mr. CURTIS. I have no objection to the proposed agreement.

Mr. REED of Missouri. Let the request be stated again. There was so much confusion in the Chamber that I could not hear it.

The proposed unanimous-consent agreement was again read.

Mr. MOSES. Mr. President, may I ask the Senator from Oregon if the senior Senator from Utah [Mr. SMOOT] was consulted with reference to the agreement?

Mr. STANFIELD. He was.

Mr. MOSES. Has he agreed to it?

Mr. STANFIELD. He has.

The PRESIDING OFFICER. The Chair desires to announce that under the rule of the Senate it will be necessary to have a roll call before the agreement can be entered into.

Mr. SMITH. We have just had a roll call. Does the rule require that we must have a roll call for this specific purpose?

The PRESIDING OFFICER. The rule requires that a unanimous-consent agreement of this character must be preceded by a roll call. The Clerk will call the roll to ascertain the presence of a quorum.

The principal legislative clerk called the roll, and the following Senators answered to their names:

Bayard	Fernald	McKinley	Sheppard
Bingham	Fletcher	McLean	Shields
Borah	Frazier	McNary	Shipstead
Brookhart	George	Mayfield	Shortridge
Broussard	Glass	Means	Simmons
Bruce	Gooding	Moses	Smith
Bursum	Greene	Neely	Smoot
Butler	Hale	Norbeck	Stanfield
Cameron	Harris	Norris	Stephens
Caraway	Heflin	Oddie	Sterling
Copeland	Howell	Overman	Swanson
Couzens	Johnson, Calif.	Owen	Trammell
Cummins	Johnson, Minn.	Pepper	Underwood
Curtis	Jones, Wash.	Phipps	Warren
Dale	Kendrick	Pittman	Watson
Dial	Keyes	Ralston	Wheeler
Dill	Ladd	Ransdell	Willis
Edge	Lenroot	Reed, Mo.	
Ernst	McKellar	Reed, Pa.	

The PRESIDING OFFICER. Seventy-four Senators having answered to their names, a quorum is present. The Secretary will state the proposed unanimous-consent agreement.

The reading clerk read as follows:

It is agreed by unanimous consent that on Tuesday, February 24, at 1 o'clock p. m., the Senate shall proceed to the consideration of the bill (S. 3011) to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof, and follow it through its various parliamentary stages and vote not later than 3 o'clock on that day.

Mr. REED of Missouri. Mr. President, I am not opposing this bill, but I am fundamentally opposed to an agreement on an important bill that only gives it a possible consideration of two hours.

Mr. STANFIELD. Mr. President, will the Senator from Missouri yield to me?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Oregon?

Mr. REED of Missouri. I yield.

Mr. STANFIELD. This bill was considered almost during the entire night session night before last.

Mr. REED of Missouri. I understand that. Why not have the consideration of the bill begin at 12 o'clock and leave time enough if there shall be an amendment to be offered or some change desired to give it a little consideration? The time proposed is very short, and I object to such agreements on general principles. I have seen the Senate tie its hands a good many times when it had occasion to regret it. Could we not give an hour more for the consideration of the bill?

Mr. FLETCHER. The bill was practically finished the other night.

Mr. REED of Missouri. That may be, and yet it may take considerably more time to dispose of it.

Mr. FLETCHER. I do not believe it will take an hour to finish the bill.

Mr. REED of Missouri. Very well; then we shall get rid of it that much sooner.

Mr. JONES of Washington. Mr. President, I am fundamentally opposed to fixing a definite time after which there can be no discussion of any amendment that may be offered or which may be pending to a bill. I had much rather see a limit placed on the time of debate on amendments to 5 or 10 minutes after 12 o'clock or 1 o'clock, so that we shall not reach a point where amendments may be proposed and voted on without any discussion or explanation at all.

Mr. SMITH. Why not shut off amendments?

Mr. JONES of Washington. We can not shut off amendments. The Senator from Utah [Mr. SMOOT] assures me that there are not likely to be any amendments proposed, but we know that amendments are apt to be proposed at the last minute. I should like to see this bill passed; but why can we not arrange to limit the time of debate on amendments after 12 o'clock to 5 or 10 minutes? Then we should get a vote in a very short while. That is what I would suggest.

Mr. SMOOT. I am perfectly willing to agree to that.

Mr. NORRIS. Mr. President, I have heard a dozen Senators say when we have previously made this kind of an agreement that they would never agree to another; indeed, I myself have said so. Some question may come up which no Senator can anticipate, and if the proposed agreement, in its present form, should be entered into we might have to vote blindly on amendments without an opportunity to discuss them or a chance to explain them. That is not the right way to legislate. I am not fighting this bill; I have not had time to give it very much consideration; but why not take this bill up as we would any other bill, and run along with the debate as we usually do until we see how we are getting on, and then reach an agreement to vote upon it?

Mr. HEFLIN. Mr. President, will the Senator from Nebraska permit me to make a suggestion to him?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Alabama?

Mr. NORRIS. I yield.

Mr. HEFLIN. I suggest to the Senator that we are reaching the end of the session, and if we do not get agreements such as this to vote on bills we shall not get the bills passed at all.

Mr. NORRIS. As I said the other day, even if bills should fail, we ought not put on the statute books a whole lot of laws in a short session without any consideration and which we have to take blindly. I do not like to object to the consideration of the bill but——

Mr. SMOOT. In my opinion, the consideration of the bill will not occupy 30 minutes.

Mr. NORRIS. That may be so; but why not change the agreement and provide that no Senator shall speak more than once or longer than five minutes on the bill or any amendment which may be offered, and have no limitation except that? In my opinion such an agreement would soon result in the conclusion of the debate on the bill.

Mr. HEFLIN. I think that is a good suggestion.

Mr. SWANSON. Let me make a suggestion. I think I can suggest a modification of the agreement which ought to be satisfactory, it seems to me, to everyone. This is a rush time. Nearly all of the amendments to the bill have been disposed of. It is proposed that we shall commence the consideration of the bill at 1 o'clock and vote at 3 o'clock. Why not have the agreement provide that at 2 o'clock all amendments shall be filed, and after 2 o'clock debate shall be limited to five minutes on the amendments and the bill?

Mr. NORRIS. If the Senator from Virginia will eliminate the statement "all amendments shall be filed at 2 o'clock," I shall have no objection to his suggestion; but a Senator may

wish to offer an amendment which may be made necessary by the adoption of some other amendment.

Mr. SWANSON. I have no objection to modifying the agreement in the way the Senator from Nebraska suggests.

Mr. SMOOT. That is all right.

Mr. SWANSON. That after 2 o'clock debate shall be limited to five minutes.

Mr. SMOOT. Mr. President, I ask that the unanimous-consent agreement as proposed to be modified may be read.

The PRESIDING OFFICER. The Secretary will read as requested.

The reading clerk read as follows:

That on Tuesday, February 24, at 1 o'clock, the Senate will proceed to the consideration of the bill (S. 3011) to amend the act entitled "An act for the retirement of employees in the classified service, and for other purposes," approved May 22, 1920, and acts in amendment thereof, and follow it through the various parliamentary stages and vote not later than 3 o'clock on that day; and that after the hour of 2 o'clock p. m. on that calendar day no Senator shall speak more than once or longer than five minutes upon the bill or more than once or longer than five minutes upon any amendment offered thereto.

Mr. NORRIS. Mr. President, I ask that the clause relative to the time for a final vote be eliminated. I desire that nothing shall be put in with reference to the time for a final vote. The agreement for a five-minute rule will terminate the debate. That is the object of making the five-minute rule. Under such an agreement the bill will probably reach a vote long before 4 o'clock.

Mr. SMOOT. It will reach a vote long before 4 o'clock.

Mr. NORRIS. I suggest that the phrase "and vote not later than 3 o'clock" be eliminated.

Mr. SMITH. I ask that the unanimous-consent agreement may be read as now modified.

The PRESIDING OFFICER. The Secretary will read as requested.

The reading clerk read as follows:

That on February 24, at 1 o'clock, the Senate shall proceed to the consideration of the bill (S. 3011) to amend the act entitled "An act for the retirement of employees of the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof, and follow it through the various parliamentary stages, and that after the hour of 2 o'clock p. m. on said calendar day no Senator shall speak more than once or longer than five minutes upon the bill or more than once or longer than five minutes upon any amendment offered thereto.

The PRESIDING OFFICER. Is there objection to the proposed unanimous-consent agreement?

Mr. SHORTRIDGE. When is the vote on the bill to be taken, Mr. President? I gather from the reading that no time is stated for the taking of the vote on the final passage of the bill.

The PRESIDING OFFICER. There is no time stated in the agreement for the taking of a vote. Is there objection to the unanimous-consent agreement? The Chair hears none, and it is entered into.

Mr. DALE. Mr. President, when we had under consideration Senate bill 3011, the Senate agreed to an amendment, on page 5, line 17, of the reprint, including the employees of the offices of the solicitors of the several executive departments. The language appears in the reprinted bill as "officers of solicitors." That is an error. The word should be "offices." I ask that that change be made.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Vermont? The Chair hears none, and the change will be made.

INDEPENDENT OFFICES APPROPRIATIONS

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11505) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1926, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendmnt numbered 12.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 6, 7, 8, 9, 13, 14, and 15; and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: On page 7 of the bill, in line 7, strike out "$20,880" and insert in lieu thereof "$26,880"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: "$90,000, of which not to exceed $7,000 shall be available for printing the report of the American Historical Association"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 2, 5, and 11.

F. E. WARREN,
REED SMOOT,
W. L. JONES,
LEE S. OVERMAN,
CARTER GLASS,
Managers on the part of the Senate.

WILL R. WOOD,
EDWARD H. WASON,
JOHN N. SANDLIN,
Managers on the Part of the House.

Mr. SMITH. Mr. President, may I inquire if the report involves the amendment as to the Pullman surcharge?

Mr. WARREN. It is the bill carrying that item, but that amendment has to go back to the House, there being in disagreement the Pullman surcharge amendment and one other matter.

Mr. SMITH. I would like to call the attention of the Senator from Virginia [Mr. GLASS] to the report.

Mr. WARREN. The adoption of the report as far as we have gone means that the Senate has conceded but one amendment and the House has conceded about a dozen amendments. It leaves unsettled two amendments which must be taken to the House, one the matter of the Pullman surcharge and the other a part of the paragraph respecting the Tariff Commission.

Mr. SMITH. Therefore we will have a supplemental report as to that matter?

Mr. WARREN. Yes.

Mr. GLASS. This report does not involve the Pullman surcharge at all.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

MUSCLE SHOALS

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 518) relating to the disposal of Muscle Shoals, etc.

Mr. CURTIS. Mr. President, I ask unanimous consent to submit the following unanimous-consent agreement.

The PRESIDING OFFICER. The Clerk will report the proposed unanimous-consent agreement.

The reading clerk read as follows:

Ordered, by unanimous consent, that at the conclusion of the business of the Senate to-day the Senate take a recess until 12 o'clock meridian on Monday next, and that at the conclusion of the reading of Washington's Farewell Address the Senate proceed to the consideration of the appeal from the decision of the Chair on the point of order on the conference report on the so-called Muscle Shoals bill, and after two hours' consideration of the said appeal a vote shall be taken thereon.

Mr. SHORTRIDGE. That contemplates only two hours' discussion?

Mr. CURTIS. Two hours on Monday.

Mr. SHORTRIDGE. It may terminate before that.

Mr. CURTIS. The Senator from Nebraska [Mr. NORRIS] has agreed to this proposal and desires it. I hope the Senator from California will not object.

Mr. DILL. Mr. President, this is a unanimous-consent agreement that is very important, and I think we ought to have a quorum present. I do not understand why an agreement of this kind should be entered into without a quorum present, and I therefore suggest the absence of a quorum.

Mr. CURTIS. It is not a unanimous-consent agreement requiring the presence of a quorum, but I am perfectly willing to have a quorum called.

The PRESIDING OFFICER. The clerk will call the roll.

The principal legislative clerk called the roll, and the following Senators answered to their names:

Bayard	Cameron	Dill	Gooding
Bingham	Capper	Edge	Hale
Brookhart	Caraway	Fernald	Harris
Broussard	Copeland	Fletcher	Heflin
Bruce	Curtis	Frazier	Howell
Bursum	Dale	George	Johnson, Calif.
Butler	Dial	Glass	Johnson, Minn.

Jones, N. Mex.	Means	Ralston	Stephens
Jones, Wash.	Metcalf	Ransdell	Sterling
Kendrick	Moses	Reed, Mo.	Swanson
Keyes	Neely	Reed, Pa.	Trammell
Ladd	Norbeck	Sheppard	Underwood
Lenroot	Norris	Shields	Warren
McKellar	Oddie	Shipstead	Watson
McKinley	Overman	Shortridge	Wheeler
McLean	Owen	Simmons	Willis
McNary	Pepper	Smith	
Mayfield	Pittman	Stanley	

The PRESIDING OFFICER. Seventy Senators having answered to their names there is a quorum of the Senate present. The clerk will state the proposed unanimous-consent agreement.

The reading clerk read as follows:

Ordered, by unanimous consent, that at the conclusion of the business of the Senate to-day the Senate take a recess until 12 o'clock meridian on Monday next, and that at the conclusion of the reading of Washington's Farewell Address the Senate proceed to the consideration of the appeal from the decision of the Chair on the point of order on the conference report on the so-called Muscle Shoals bill, and after two hours' consideration of the said appeal a vote shall be taken thereon.

The PRESIDING OFFICER. Is there objection?

Mr. EDGE. I should like to inquire of the Senator from Kansas [Mr. CURTIS], does the agreement contemplate only a vote on the appeal?

Mr. CURTIS. That is true.

Mr. EDGE. And in no way attempts finally to dispose of the bill?

Mr. CURTIS. It does not.

Mr. EDGE. Is it impossible at present to secure a disposition of the bill?

Mr. CURTIS. I think it would be impossible. We have first to act on the appeal from the decision of the Chair, and, if the Chair shall be sustained, the conference report will go back to the conferees.

The PRESIDING OFFICER. Is there objection to the proposed unanimous-consent agreement?

Mr. EDGE. I shall not object, but I think we should try to contemplate a conclusion of the entire subject if it is at all possible to do so.

The PRESIDING OFFICER. The Chair hears no objection, and the unanimous-consent agreement is entered into. The Senator from North Carolina [Mr. SIMMONS] is entitled to the floor.

Mr. SIMMONS. Mr. President, I desire now to address myself to the pending appeal from the decision of the Chair upon the point of order against the conference report on the Muscle Shoals bill. The decision of this very important question now rests with the Senate, and I am going to address myself to this question not so much in a technical way but more particularly that I may bring to the attention of Senators the changes which have been made in conference by the interpolation into the bill of what I consider new matter, the effect of which not only substantially but in some instances, and very vital instances, radically changes the measure as it was passed by this body as well as by the other branch of the Congress.

Mr. President, I myself do not profess to be an expert on the rules of this body, as simple as those rules are in the main; I do not profess to be a parliamentarian in any sense. I have not given, I am sorry to say, very much study or thought to such questions since I have been a Member of this body; but there are certain fundamental principles in relation to conference reports, defining the jurisdiction of the conferees and governing the formulation of such reports, which are known, certainly to all Senators who have had any considerable experience. I think I understand those principles tolerably well, because my connection with economic and financial legislation has been such as has required me to give very serious consideration to matters that relate particularly to the scope of the power of conferees with respect to changing amendments and with respect to adjusting differences between the two Houses growing out of diverse action upon particular subjects.

For a long time after I became a Member of this body, Mr. President, our rules were exceedingly liberal. They were so liberal, not only in their language but in the interpretation and practice of this body, that Senators came to feel that legislation was rounded out in the conference committees, and that a large part of the real legislation of the body was not done by the Senate but was done in the conference committees. That system and practice was tolerated here for a long time, but, as was natural, the abuses of the system grew from day to day and from year to year, until, about the time that the Senator from Kansas [Mr. CURTIS] introduced Rule XXVII, the thing had become almost intolerable.

The conference committees were usurping the functions of the Senate to such an extent that it was felt that some tightening of the rule was absolutely necessary unless the Senate was to abdicate its functions in behalf of its conference committees, which were generally selected with a view largely to the support of one side or the other of any controverted question involved in legislation before this body. Since that time, Mr. President, there has been a disposition in this body to insist upon conferees conforming themselves to that rule, and under that rule many things that are allowed by the House on the part of its conferees are not permissible to our conferees.

I think the Senator from Alabama [Mr. UNDERWOOD], in his very strong and I thought in some respects very subtle and in all respects very adroit argument, for a long time at least during his address was laboring under the impression that the Senate rules were substantially the same as the House rules as they apply to the matter in hand. At least, a perusal of his remarks rather indicates that he was proceeding upon that assumption, his theory being—and it is a correct theory under the House rules and under the old rules that obtained here—that all that was necessary was that the new matter injected should be germane to the old matter which it was intended to supplement.

Under that rule I would not question many of the changes that I think are not permissible under the present rule of this body. I wish to discuss only a few phases of this matter, Mr. President, and I am going to confine myself almost solely to a discussion of items in the bill that are vital and fundamental from my standpoint, which have been changed to such an extent that they now present to the Senate new legislative propositions, and add to the provisions of the bill as it passed the Senate, and in most of the instances I shall discuss as it passed the House, provisions which were not only not embraced directly or indirectly, but which, if they had been embraced, probably would have resulted in very different action on the part of this body.

I have in mind, Mr. President, the fertilizer provisions of the report. There is not any very radical difference in substance between the action of the two Houses upon that subject. There is difference in language, but in substance there is very little difference. Both of these provisions—that in the House bill and that in the Senate bill—provide for the production at this plant by the lessee of 40,000 tons of fertilizer after a certain date. This difference in language, although substantially the same in substance, makes that a matter of difference between the two Houses which under the rules may be adjusted and must be adjusted; and in that adjustment entirely different language may be used, provided the substance of what was done in one branch or the other branch of Congress is retained, and provided that nothing new is added which would materially change the general result of the provision or the general purport of the provision or the general effect of the provision.

A broad latitude, I say, is permitted, and it was exercised by the conferees in this case; but it was so exercised as to defeat the very purpose which the Senate, at least, had in mind in the enactment of this provision, the two fundamental things in connection with this whole business set out in the very first sections of both the House bill and the Senate bill. They declare that the purpose was to provide nitrates for the production of explosives for the Government in time of war, and for the production of fertilizer to meet the demands of this country in time of peace. The changes were rung upon that. The scarcity of nitrates was stressed, the importance of nitrates in connection with the development of agriculture in this country, the general, the universal demand of the farmer for a cheap product, the necessity of relieving this country from its present dependence upon a foreign country for this product. They were all stressed, and the mind of the Senate was concentrated upon the accomplishment of these two great purposes—to secure enough nitrates to supply the demands of the Government for explosives in time of war, and enough nitrates to enable the farmers of this country in time of peace to secure freedom from dependence upon the high-priced product of a foreign country, and to secure that product in sufficient abundance to answer their demands.

The two bills provided for that. The House bill provided for not less than 40,000 tons annually. The Senate bill provided, after six years, for not less than 40,000 tons annually; and it provided that during the interim between the third year and the sixth year the amount of 10,000 tons which was to be produced in the third year should be gradually increased

from year to year until it reached the peak. That was the minimum.

What have the conferees done in the exercise of their powers, as they claim? Have they merely brought together the minds of the two Houses upon this proposition, or have they put the minds of the two Houses farther apart in their conference report, and brought in here something that was neither in the mind of one House nor in the mind of the other House at the time we adopted this legislation, and that does not express the purpose that we had either in the House or in the Senate at the time we adopted this legislation? They have brought in here a provision which, if it had been presented by way of amendment upon the floor, would not, in my judgment, have received half a dozen votes, and if it had been incorporated in the bill the bill never could have passed the Senate.

What is that provision? It is the provision that simply provides for 10,000 tons at the end of the third year, and then 40,000 tons in the tenth year.

What quantity would they be required to produce in the meantime under this provision? The bill provides for a gradual increase, but there is nothing mandatory about it. There is no authority lodged in anyone to decide whether it shall be 10,000 or 20,000 tons, or practically nothing. As it now stands, the law could be so construed—and that, in my judgment, would be the proper construction of it—that the lessee may make 10,000 tons, and only 10,000 tons, all the years intervening between the third year and the tenth year, in spite of the demand of the farmers which was so insistent, not a demand for 40,000 tons 10 years hence, but a demand for as much of this product as it is practicable to produce now, as soon as possible. At the end of 10 years there may be no necessity for it at all. Private individuals may have installed plants, and may be supplying the demand. Some substitute may be discovered which may be equally as acceptable to the farmers as this product. The demand will arise in the immediate future.

This conference report contains terms which, under any proper legal construction, will not require the lessee to produce more than 10,000 tons until the beginning of the tenth year. Is that new matter? Is that bringing the minds of the bodies together? Is that not interjecting into the report something that was in neither bill? Nay, more than that, does not that inject into the measure a provision which would not have received the sanction of this body at the time the bill was acted on? It is new matter, in that it radically changes not only the language and the effect of the legislation but its purpose and intent considered as a practical proposition.

That is not all, and that is not the worst of it. What we provided for in our bill, and what the House provided for, was the production in this country of nitrogen. That is the thing the farmers are in such sore need of. That is the thing of which we have no adequate supply in this country; in fact, practically no supply at all. It is a product we have to import, and the Government was ready to make this expenditure, and to enter into this unequal lease, so that the farmers might be supplied with it. Why nitrogen? Because nitrogen is the very essential of every fertilizer. There is no fertilizer known to man that has had the approval of the judgment of the users of fertilizer that does not contain nitrogen. It is an esential element of any perfectly balanced fertilizer, and the most essential element. It is the one element which the soil of this country needs more than any other, and it is the one element which adds more to the productivity of the soil than any other element that enters into fertilizer.

The production of nitrogen was the thing Congress had in mind. Yet the provision appears for the first time in the conference report that under certain circumstances the President may advise that the production of nitrogen provided in this bill may be discontinued and that there may be substituted phosphoric acid to the extent of four times the tonnage of nitrogen which it had been provided should be produced.

There is no demand in this country for phosphoric acid that is not now adequately supplied. The Senator from South Carolina [Mr. SMITH], who sits to my left, and who is an expert on this question, I think, will join me in the statement that phosphoric acid is found in this country in the greatest of abundance to supply all the demands of agriculture, and that the consumption is nowhere near the supply.

Mr. SMITH. Mr. President, I would just like to say a word in this connection. In the phosphate beds of Tennessee, of Florida, and of South Carolina there is already in sight enough phosphate rock to more than supply the needs of this country for perhaps hundreds of years.

Mr. SIMMONS. Mr. President, there was never a suggestion made in the Senate for the substitution of anything for nitrogen. The interest of many Senators in this bill was centered and focused upon nitrogen. We would not have been voting for a proposition to have the Government dispose of $150,000,000 worth of property for about $33,000,000 if we had supposed that the farmers of the country had no interest in that except in the way of securing an additional amount of phosphoric acid, when they already have more in this country than the market will take. That feature was added. It takes just a word from the Executive to bring about this transformation, and the perversion of this measure from its original purpose, the production of nitrogen, to this new purpose, the production of an article of which there is already an overproduction in this country.

I would like to know how there got into the bill that provision, which if it should go into effect would radically change, transform, practically obliterate the legislation we thought we were enacting. It could not have gotten into the bill except as a new, original proposition. It could not have gotten in with the consent of the Senate. It adds something new, something fundamentally new, because it changes the whole purpose and effect of the act, and it would take a new provision to do that. Nothing short of a new provision could accomplish that.

Mr. SMITH. Mr. President, if the Senator will allow me, so far from it being contemplated at all, this phosphoric acid which they propose to substitute for nitrogen is now on the market, not only most abundantly but it is the cheapest possible form of ingredient that enters into fertilizer.

Mr. SIMMONS. When the Houses have acted substantially along the same line, and their chief differences, and almost their only differences, are in language, the conferees, under the pretense of adjusting those slight differences with respect to the subject matter, so pervert and change the subject matter as to make it an entirely new proposition, a proposition which, if it goes into effect, will wipe out what in the minds of at least one-half of the Senators who voted for it, was a vital provision in this bill.

I want now to address myself to the rental provision in this bill. But before I come to that, I want to say that I have not discussed this in a technical way, because the question is now on appeal to the Senate, and I want to get Senators to take other than a purely technical view of it, although I recognize that it is necessary to show that the change was in violation of the rule. I wish to present both the violation of the rule and to present the fact that in this violation the conferees trample under foot a well-known purpose and intent of this body, and did that which never would have been done by this body with respect to this.

Mr. SHORTRIDGE. Mr. President, do I understand the Senator to contend that the two Houses agreed upon any particular matter?

Mr. SIMMONS. Yes; I said that the two Houses were in practical agreement, not in language, not altogether the same in respect to time, but they were in entire agreement as to the amount of fertilizer that would be produced, and they were in entire agreement as to the initial amount of fertilizer that should be produced.

Mr. SHORTRIDGE. Do I understand the Senator to contend or state that the two Houses disagreed as to many particulars——

Mr. SIMMONS. They were in entire agreement upon the proposition that the thing to be produced was fixed nitrogen.

Mr. SHORTRIDGE. They agreed as to some matters, and disagreed as to other matters?

Mr. SIMMONS. Their disagreement was largely a matter of difference in language.

Mr. SHORTRIDGE. I just wanted to know the position of the Senator.

Mr. SIMMONS. In order to bring the Houses together upon that little difference they make a change and inject new matter which not only radically changes the substance and the meaning and the effect of the bill, but practically wipes out the original provisions of the bill.

Mr. SMITH. I would like to state to the Senator from California, who lives in a region where nitrogen is not necessary to be used as fertilizer, that the whole object of the legislation to harness up the water power for this purpose was to avail our section of the country of the new process of extracting nitrogen from the air. It is known as a nitrogen-air fixation plant. The Senator can readily calculate how many pounds of nitrogen are in the air when he knows that about three-fourths of the contents of the air are free nitrogen and there are 15 pounds of pressure to every square inch of air. Therefore three-fourths of that 15 pounds is pure nitrogen.

As soon as that process was discovered and seemed to be practical, we then passed a bill looking toward the creation of the necessary machinery for the extraction from the air in unlimited quantities, if we might so perfect the patent, of this necessary ingredient, not only for fertilizer purposes but as the basis of explosives in all our war munitions. As the Senator from North Carolina [Mr. SIMMONS] said, the whole expenditure and the whole purpose and object of the legislation was the production of fixed nitrogen from the air where it exists in the free state.

Mr. SHORTRIDGE. Will we not achieve that end and that result by the plan outlined in the conference report?

Mr. SMITH. No. The conference report proposes during the fertilizer-making period to substitute phosphoric acid, which is already here in such great abundance that it is sold just slightly above the cost of production, being the cheapest sort of ingredient.

Mr. SHORTRIDGE. May I ask the Senator a question for information and not in any contentious spirit. Have we yet developed the art or the science to a point where we can, as of now or in the near future, achieve the end which we all have in view?

Mr. SMITH. It is being made commercially at Niagara Falls now. We have a plant already in existence at Muscle Shoals, where we can produce 40,000 tons at plant No. 2, with the steam-power plant we now have there.

Mr. SHORTRIDGE. I know, but may I pursue that thought a moment? I have read more or less upon the subject, certainly the reports that have been submitted, and learned treatises by scientific men, and I am not advised that we have yet perfected a successful commercial process to extract the nitrogen from the atmosphere. I may be in error.

Mr. SMITH. Oh, yes. It may not be as cheap under the present process as some of the sources of nitrogen, but every indication is that it is being simplified so rapidly, like our airplane, our submarine, and our radio, that with the Government back of it, with its practically unlimited funds and a desire to solve this great national problem, both as to developing our farm resources and protecting our country, the consensus of opinion of all the scientists is that within a very short period we will so improve upon the cyanamid process that we not only will very much more cheaply extract the nitrogen, but we will with the same process combine it with phosphoric acid and potash and make a complete 100 per cent pure fertilizer that has no filler, eliminating 80 per cent in weight in the form of filler, condensing it all into pure form, saving the farmers 80 per cent in their freight costs, 80 per cent of their handling, and 80 per cent of their distribution costs, and getting 100 per cent pure fertilizer. That was the object of the measure. Now the conferees are proposing to abandon the problem of the extraction of nitrogen, as the Senator from North Carolina has well said, the very essential of plant food, one without which we can not grow grain and can not stimulate our plants. It is supposed to abandon that plan and to stultify ourselves and insult the intelligence of the Senate by saying that we will substitute phosphoric acid, which we have in great abundance now.

Mr. SHORTRIDGE. I understand the end in view is a most desirable end, but we are differing merely as to ways and means to achieve the result.

Mr. SIMMONS. Mr. President, I can not yield any further at this time. I want to get through with this discussion.

There is one other change proposed by the conferees that is equally as vital in its effect and that is very much on all fours with the change that was made with reference to the fertilizer provisions of the bill. I refer to the provision relative to the rental to be paid by the lessee. It will be remembered that in the bill the President was given very broad latitude with respect to many things connected with the lease, but the Senate was not willing to trust anyone with respect to certain essential features of the bill. Those features related, first, to the amount of nitrogen to be produced either for war purposes or for fertilizer purposes; and, secondly, the amount of the annual return to the Government for the property leased. With respect to those two matters the Senate showed its determined purpose that no discretion should be left with the President or with anybody else, and that no doubt should exist as to what their purpose was, because they were the two things that the bill stated in its very opening section it was intended to subserve, and because they were of high public concern and importance. The discussion here revolved around those two propositions. The proposition with reference to the amount of rental the Government was to receive was considered just as essential as was the proposition with reference to the nitrogen that might be produced for use in case of war or in time of peace. Those were the two provisions that engaged the attention of the Senate chiefly during the three or four weeks of the controversy in this Chamber with respect to the measure.

The contention was made, Mr. President, and was pressed, that the return provided in the bill when it was under consideration was altogether inadequate; that it involved a very large sacrifice of its property on the part of the Government. There was no suggestion coming from any source in this Chamber that the amount of that rental as written in the bill as it came from the committee should be reduced one penny. The demand was rather the other way, that it should be increased. Nobody contended that it was too low; every Senator who referred to it contended that it was too high. But, however that may be, we regarded it as vital to fix that in the bill and to leave no discretion about it to the President. So we passed the bill; so the House passed it.

The two Houses were in practical agreement about this matter as they were about the matter of fertilizer. They both provided for a 4 per cent return upon all the property owned by the Government, including Dam No. 2, the nitrate plants, and all the accessories and appurtenances thereto. The provisions of the bills of the two Houses were identical. The House no more left anything to the discretion of the President than did the Senate. The bills were different, it is true, in language, but, as in the other case, only very slightly different. In substance they were practically the same. The point in disagreement between the two Houses was practically as to language, not substance. Both bodies had securely safeguarded against that broad discretion that we had given to the President as to most other things connected with this proposed legislation. When it came to that the very language of the bill wrote in letters that could not be misunderstood by any man, though he be a fool, that we intended this broad discretion should not obtain in any degree or any particular with reference to this vital section.

I undertake to say that if any Senator had offered an amendment at that time providing for the reduction of the basis of the rental to any extent, whether indefinite or fixed, it could not have commanded the support of the Senate, because, as I have stated, it was felt that the rate was too low and not too high. What could not have passed through the Senate, and what if it had passed through the Senate would have been a radical change, has been added to the bill by the conferees; and if their report shall be adopted the action of the Senate will be amended in a material way and to an extent and to a purpose that could have found no favor in this body if such an amendment had been offered to the provision when the measure was under consideration.

What is that amendment, Mr. President? No Senator can read the provision of the conference report and say that it tends to bring the minds of the two Houses together. No Senator can read it and say that it does not bring about a radical change in the rental provision, and one which might, under certain circumstances, almost obliterate that provision from the bill and make this lease a practical donation to the lessee of this great and valuable property—not only this great property which we acted upon here in connection with the lease, but they have coupled with it Dam No. 3, almost double the property that we proposed to lease.

I am not discussing that, however, and I am not discussing it because I think that the coupling of Dam No. 3 in this matter was perfectly permissible under the rules. The House bill had provided for the lease of Dam No. 3, as I recall. The Senate bill did not provide for its lease, but provided for its construction. These two provisions were entirely different; and in the reconciliation of those provisions the conferees could discard absolutely the action of the Senate and adhere to the action of the House. I make no point whatever about that. I am talking about Dam No. 2 and the property accessory and appurtenant thereto. That is what I am talking about. We have provided for a rental of 4 per cent upon the entire property, without any exception whatsoever. The House had provided the same thing, with the single provision that the amount should apply to costs hereafter incurred, and not to the $17,000,000 which was advanced by the Government heretofore. That was practically the only difference between the two bills.

What did the conferees do? In order to bring the minds of the two Houses together, in order to make a composite provision out of these two provisions that were almost identical, as they claim, and because they say it was germane, they added a provision at the end, as follows:

Provided, however, That no interest payment shall be required upon the cost of the locks at Dam No. 2—

The cost of that was included in the basis of rental in the Senate bill—

and Dam No. 3, nor upon an additional amount to be determined by the President as representing the value of this development to navigation improvement.

In other words, they have added, and they say it is not new matter—for if it is new matter it is subject to this objection—this provision that the Government is to receive no interest payment upon the vast sum that it has spent or may spend in the construction of the locks at these two dams, and that it shall receive no interest payment upon the estimated value of these things to navigation.

Mr. UNDERWOOD. Mr. President, will the Senator allow me to ask him a question?

Mr. SIMMONS. Yes.

Mr. UNDERWOOD. I am not sure that I understood the Senator; but does he contend that the Ford bill provides for the payment of 4 per cent on the total cost of the locks and the dam at Dam No. 2?

Mr. SIMMONS. Yes; that is my understanding. Here it is:

Four per cent of the actual cost of acquiring land and flowage rights, and of completing the locks, dam, and power-house facilities, but not including—

And I stated that a little while ago—

but not including expenditures and obligations incurred prior to May 31, 1922.

Mr. UNDERWOOD. To be sure.

Mr. SIMMONS. That, I said, was the difference between the two bills.

Mr. UNDERWOOD. But what I wanted to call the Senator's attention to is that it makes the principle very different. Of course the Senator knows, as we all know, that when it says "not including expenditures" before the date named by him, there was $17,000,000 involved.

Mr. SIMMONS. I understand that.

Mr. UNDERWOOD. And 4 per cent on that $17,000,000 is a greater amount than the subtraction of 4 per cent on the locks.

Mr. SIMMONS. I do not know about that; but I do know that if the conferees had agreed upon the Ford proposition—and they could; the conferees could have accepted the House provision or they could have accepted the Senate provision—if they had accepted the House provision, then, of course, they would have reduced the rental to the extent of $17,000,000; but that would be a provision in one or the other bill and could not be new matter.

Mr. UNDERWOOD. But they had a right to reconcile the difference in principle on which the 4 per cent was to be charged, and it was a difference of $17,000,000, showing that the amount of interest under the Ford proposition on Dam No. 2 was not as great as the amount of interest that they will receive on Dam No. 2 under the conference report. Of course, the 4 per cent was there, but it was based on a very different principle, to wit, a difference in the amount of principal of $17,000,000.

Mr. SIMMONS. I understood the Senator's argument with reference to that; but, Mr. President, if they had accepted the House provision, as they had a right to do, there could have been no complaint. They did not accept that, however, but wrote another provision, for the purpose, as the Senator says, of conforming the Senate bill to the House bill. If they wanted to conform the Senate bill to the House bill, they only had to accept it. If they wanted to make a certain deduction, they could have accepted the House bill. The House bill fixes the deduction. It fixes it at the money that the Government had spent, a certain definite sum; but they did not do that. They wrote this new provision in the bill, deducting from the interest that the Government would be entitled to under the Senate bill—not considering the $17,000,000 at this time—interest upon a sum which represented the cost not of one of these locks but of both of these locks, and which also represented the estimated value—for that is what it must mean, and it permits the President to determine that—the estimated value of these facilities to navigation; propositions that are wholly indefinite and unascertained and uncertain.

The cost of these locks is very heavy. That is one of the chief costs of construction of dams. These dams are generally used by the Government for the purpose of improving navigation, and I understand that in the case of that particular river the navigability of the river is very seriously affected by these dams. If these facilities are built there, it is undoubtedly true that in the years to come they will become more and more valuable for purposes of navigation, and the sum is wholly indefinite and unascertained.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. SIMMONS. I yield.

Mr. LENROOT. May I suggest to the Senator that the only power the Federal Government has to obstruct a stream at all is in the interest of navigation.

Mr. SIMMONS. Yes.

Mr. LENROOT. And whenever we do erect or authorize the erection of a dam the presumption is that the major value is in the creation of navigation facilities.

Mr. SIMMONS. Yes; that is the reason why we do it.

Mr. LENROOT. And if we should have a finding by an authorized officer of the Government that the value to navigation of an obstruction in a stream was only a small fractional part of the cost, it might be held to be an unlawful structure.

Mr. SIMMONS. That is true.

Mr. SHIELDS. Mr. President, ordinarily the Senator from Wisconsin has correctly stated the power of Congress over navigable waters, and stated it contrary to what is constantly being asserted and argued here. I agree with him fully that the only power Congress has in regard to obstructions is under the commerce clause, and to remove obstructions either by taking them out bodily or by building a dam to submerge them, as is generally the case. This is not, however, under the original act a navigation project. Congress has the right under the commerce clause to regulate commerce, and in that way to regulate navigation, and for that purpose to build dams and locks; but under the military clauses the power to raise and provide armies, organize them, supply them, arm them, and provide navies, it has the right to provide munitions and to erect factories to manufacture munitions for those purposes.

The original statute in this case provided for the building of a nitrate plant for military purposes, and, to enable the Government to get cheap power, to place a dam in the Tennessee River at Muscle Shoals. By reading the statute the Senator will see that navigation was only a secondary thing. It was an emergency proposition, a military proposition—the manufacture of munitions of war. The Congress has just as much power to make nitrogen for war purposes as it has to erect a dam for navigation purposes.

Mr. SIMMONS. I wish to ask the Senator one question. If this great plant is developed as it is now contemplated, will not the Tennessee River become a great highway of commerce up to that point?

Mr. SHIELDS. The Tennessee River is the greatest river of the United States east of the Mississippi River, and is now a great highway of commerce, and will be immensely improved by this dam, and I want it there for that purpose as well as to make nitrogen.

Mr. SIMMONS. Exactly.

Mr. SHIELDS. But I am talking about the statute that authorized the building of this dam; and if the Senator will look at that, he will see that it is a military operation and not a navigation project.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. SHIELDS. The Senator from North Carolina has the floor.

Mr. SIMMONS. I yield.

Mr. LENROOT. There is no abler lawyer on this floor than the Senator from Tennessee. Is it the Senator's theory that under the exercise of the military power in time of peace Congress can obstruct a navigable stream for the purpose of making munitions of war?

Mr. SHIELDS. Unquestionably in time of peace Congress has a right to provide for the manufacture of munitions. We maintain a navy yard down here. We build ships.

Mr. LENROOT. Oh, yes; provided it exercises that power in such a way as not to destroy other rights that are equally sacred under the Constitution, and one of those rights is the right of navigability.

Mr. SHIELDS. There is no obbstruction, and there is no conflict in a dam to create power, hydroelectricity, to make nitrogen to supply the Government with powder and for the improvement of navigation. The two run together; but the Congress has the power to erect this dam, both in aid of navigation and, under the military clauses, to supply munitions of war; and it has as much right to do that in times of peace as it has in times of war.

Mr. LENROOT. I do not care to discuss that question.

Mr. SHIELDS. We are manufacturing guns and cannon in munition plants all over the United States in time of peace.

Mr. LENROOT. There is no question about that.

Mr. SHIELDS. And I should like to say right here, in view of some of these pacificist doctrines that are being circulated,

that we ought to have them in times of peace and prepare for war, and not be in the condition we were in when the last war came on.

Mr. SIMMONS. Mr. President, the discussion has gone far afield. It has gotten now to the point where we are discussing questions that were very interesting and very much mooted during the war. The point I was making, and the only point I was making, was that this is essentially new matter, and that it is of such a character that it would have a radical effect in the way of reducing the rent reserved by the Government for this property.

It is conceivable that the indefinite amount of this deduction under some circumstances might reduce the amount of the returns to the Government from both of these dams to a negligible quantity. I think that addition, therefore, is clearly in violation of the rule of the Senate which provides that no amendment, however germane it may be to the text, shall be permitted when it introduces any new matter not to be found in either bill.

Enough with reference to that. I might stop, however, simply to mention the striking thing about the matter. This very remarkable provision authorizes the President to do a thing which he is forbidden to do under the bill as it passed the House, and under the bill which passed the Senate, which it was our intent that he should be forbidden to do, and in the exercise of that power the President will be exercising an authority by virtue of the dictum of this conference report which both Houses of the Congress, when they were legislating, forbade him exercising. Not only did the conferees substitute their will in this new matter for that of the Congress, the legislative body, but they forced into the bill a provision which reverses the position of both bodies with respect to the subject matter.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator whether his immediate remarks are addressed to the proviso found in section 5, appearing on page 5 of the printed report, reading:

Provided, however, That no interest payment shall be required upon the cost of the locks at Dam No. 2 and Dam No. 3.

Mr. SIMMONS. That is what I was talking about.

Mr. SHORTRIDGE. The Senator's immediate thoughts are addressed to the discretionary power given to the President as claimed in that proviso?

Mr. SIMMONS. Yes; that is what I was addressing myself to.

Now I call attention to another provision found in this conference report. It does not seem to be germane to any provision of the bill which passed the House or that which passed the Senate, nor to any amendment adopted by the Senate to any provision of the bill which passed the House. There is certainly no provision in either the House bill or the Senate bill that is at all comparable to it. There is nothing in either bill upon which to hook it, so to speak. If conferees want to change an amendment made by the Senate to a bill which has passed the House, they may change it, provided they retain the substance, and provided the matter is germane, and does not altogether destroy the purposes of the amendment; but even under the liberal powers of conferees with reference to the change of an amendment made in one House to a bill which originated in the other House, they can not change it by adding extraneous matter, matter aliunde, which the rule describes as new matter. They can not do that. So that as an amendment to any amendment which the Senate made this would be new matter; as an amendment to any provision where the two Houses were in slight disagreement, which had to be adjusted, this would be new matter, because there is absolutely nothing in the bill, so far as I can find, that is comparable with it. This is the provision to which I refer:

Any lease hereunder and all contracts for power sold under said lease shall contain the proviso that the power may be recalled by the United States if and when needed in the prospect or even of war.

That is language which can not be found in any amendment, nothing comparable to it can be found in any amendment or in any compromise designed to bring the Houses more closely together where they were at variance. The provision continues:

Without payment of or liability for damages to consumers or others so deprived of said power, and no contract or lease shall be valid which does not include this proviso.

Here is a proviso which they propose to put into the bill, which creates an entirely new situation, which provides for a thing that was not provided for by either body, which provides for a thing where there is no amendment by the Senate to the bill as it passed the House with reference to it.

It is said, however, that there should have been such a provision sent to conference. In case of emergency the Government might take over this property, after its power had been leased and was being used to light great cities and towns, and to turn the wheels of great factories, but under the bill there is provision that the Government shall not be liable to the contractor whose plant is dependent upon a constant supply of power. The only remedy would be against the corporation.

Mr. SHORTRIDGE. That would be true independent of the bill, would it not?

Mr. SIMMONS. The liability was not imposed upon the Government in the bill as it passed the House or in the bill as it passed the Senate. There was no amendment with reference to that matter.

Mr. SHORTRIDGE. It may be mere surplusage, then.

Mr. SIMMONS. No; it is not mere surplusage. It is probably something which ought to have been in the bill. It would have been wise if we had put it in the bill, but we did not put it in in the Senate, and the House did not put it in, and there is no amendment that provided for it. We failed to legislate with reference to the matter at all, although it would have been wise for us to legislate about it. But the conferees have no power to correct the errors of the Senate or of the House when they act. They have no power to say that the Senate and the House left out something which they should have included in their legislation, that the provision which they have made is imperfect. It would be a mere omission of duty on the part of the legislature, and could not be remedied, according to law, except by amendment of the bill by the Congress.

That particular case, I think, was a clear case of omission, but for the conferees to undertake to legislate because the Congress has failed to legislate in a matter about which it should have legislated would be for them to attempt to decide a matter of policy and to enter the field of legislation.

I do not wish to take too much time on this matter, but there is another provision to which I desire to call attention. In passing, I might say that this proviso about which I have just been talking is a restriction upon the powers of the President granted in the present bill. I think very likely the President would have had the authority, in writing the contract, to include a provision of this sort. The Congress would have had the right to amend, and would have had the right to provide for it in case the President did not do it, if he had the authority to. But there are no circumstances under which the conferees would have had the power to thus correct a supposed error of the Congress in a matter of policy and legislation, and to impose a restriction upon the powers of the President.

There is one other section, and only one other section, to which I wish especially to call attention, and then I will be through. It is another case very similar to the one I have been citing. It is provided in the conference report that—

The President is hereby authorized and empowered to employ such advisory officers, experts, agents, or agencies as may in his discretion be necessary to enable him to carry out the purposes herein specified, and the sum of $100,000 is hereby authorized, to enable the President of the United States to carry out the purposes herein provided for.

Mr. President, that is a very proper provision, but it was not in the bill as we passed it. The failure to put it in the bill, I think, was an omission on the part of the Congress and I have no doubt that Congress would have amended the law so as to confer upon the President the power to appoint the officials and experts and to pay them their salaries. I have no doubt the Congress would have done that. But the Congress has not done it, and the conferees had no power to do it because there was nothing like it in the bill and there is no amendment to which the provision is pertinent. It stands as pure new matter of legislation, not bad legislation if they had the power to legislate, not bad legislation if we should add it or shall hereafter add it, but it is nevertheless legislation with respect to a matter upon which the Congress had not acted or attempted to act, had not discussed or considered, and therefore it is bound to be new matter incorporated in the bill by the conference because they thought Congress made a mistake when it was not included.

Mr. SHORTRIDGE. Was not the President given power to do something?

Mr. SIMMONS. No; not along the line of employing experts.

Mr. SHORTRIDGE. If he was given power to do something impliedly, was he not given power to employ assistants to aid him?

Mr. SIMMONS. The mere granting of power to the President as we know it in our every-day processes of legislation here does not furnish him with the money. The President can not get a dollar out of the Treasury unless there is an act of Congress authorizing him to get it. Here is a provision authorizing the expenditure of $100,000. The Senator said he was given the power to do a certain thing, and that power necessarily implies that he was to have the money with which to do it. Yes; he was to have the money with which to do it, but he could only get the money by and through an act of Congress.

Mr. SHORTRIDGE. I said assistants to do it.

Mr. SIMMONS. He can only get the money to pay assistants to do it by an act of Congress, and the language provided for both the assistants and the money to pay the assistants. Power is granted to the President to do it, but there is no authority for the Treasurer to pay him the money necessary to pay the agents in the execution of that power. It is so clear that I can not conceive of any argument except the one the Senator from California has just made, that because the Congress gives the President power to do the thing, therefore impliedly Congress appropriates the money and authorizes the employment of the agency through which the power is to be exercised. We know that that can not be, and it does not require any argument, I think, to show that no such implied powers flow from the provision of the bill granting the power to the President.

When the conferees assumed the right to provide for an appropriation of $100,000 and the employment of those experts and engineers to carry out the power, they were exercising legislative power and engrafting upon the bill a provision which only the Congress has the right to engraft upon it, and which probably the Congress ought to have engrafted upon, and the omission of which the Congress should hereafter correct; but the conferees had no power to legislate in that respect.

JAMES F. JENKINS

Mr. DIAL. Mr. President, I ask unanimous consent for the immediate consideration of the bill (S. 1633) for the relief of James F. Jenkins. The bill has been reported favorably from the Committee on Claims and will lead to no debate.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from South Carolina?

Mr. CURTIS. It is the bill which was read last evening?

Mr. DIAL. Yes.

Mr. CURTIS. It is a unanimous report from the committee?

Mr. DIAL. That is correct.

Mr. CURTIS. I have no objection to its consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, on page 1, line 6, to strike out "$26,332.20" and insert in lieu thereof "$21,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to James F. Jenkins, out of any money in the Treasury not otherwise appropriated, the sum of $21,000, being in payment for 600 bales of cotton linters taken by the United States on or about July 26, 1918, and the storage thereon up to and including December 14, 1920.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF CHINA TRADE ACT

Mr. JONES of Washington. I report back favorably without amendment, from the Committee on Commerce, the bill (H. R. 7190) to amend the China trade act, 1922. The bill has the indorsement of the Department of Commerce and the Secretary of the Treasury. I ask for its present consideration.

There being no objection the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXAMINATION AND AUDIT OF COTTON STATISTICS

Mr. SMITH. Mr. President, there is on the calendar a joint resolution (S. J. Res. 183) establishing a joint congressional commission to make an examination and audit of cotton statistics in the Bureau of the Census, and for other purposes. It was reported favorably from the Committee on Agriculture and Forestry, and there are certain amendments I have promised to offer to it. I would like to have the joint resolution taken up for consideration at this time.

Mr. CURTIS. Was it unanimously reported from the committee?

Mr. SMITH. It was unanimously reported from the Committee on Agriculture and Forestry.

Mr. SHORTRIDGE. Is the Senator going to offer some amendments?

Mr. SMITH. Yes.

The PRESIDENT pro tempore. The Senator from South Carolina asks unanimous consent for the immediate consideration of Senate joint resolution 183. Is there objection?

Mr. SHORTRIDGE. Reserving the right to object I ask that it be read.

The PRESIDENT pro tempore. Does the Senator from California object?

Mr. SHORTRIDGE. I reserve the right until we learn the nature of the proposed amendments.

Mr. CURTIS. I understood that the Senator from Massachusetts [Mr. BUTLER] objected to the joint resolution.

Mr. SMITH. No; he gave me the amendments he desired to offer to the joint resolution, and I am ready to offer them now.

Mr. SHORTRIDGE. That is what I was trying to develop.

The PRESIDENT pro tempore. The joint resolution will be read for information.

The reading clerk read the joint resolution.

Mr. CURTIS. Mr. President, I have just suggested to the Senator from South Carolina that, inasmuch as the measure takes money out of the contingent fund, under the rule it must go to the Committee to Audit and Control the Contingent Expenses of the Senate before we can act upon it. The joint resolution has not been to that committee, so I suggest that he have it referred to the Committee to Audit and Control the Contingent Expenses of the Senate in order that there may be an early report on it.

Mr. SMITH. I ask unanimous consent that the joint resolution may be amended so that when it goes to the committee they will have it as it will be ultimately passed and we will not then have to go through that form.

Mr. CURTIS. I have no objection to pursuing that course.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution? The Chair hears——

Mr. CURTIS. No, Mr. President.

Mr. SMITH. The joint resolution under the rules will have to go to the Committee to Audit and Control the Contingent Expenses of the Senate, and I am just asking the privilege at this preliminary stage to amend it. It has been reported unanimously by the Committee on Agriculture and Forestry, and I want to make certain corrections and then have it go to the Committee to Audit and Control.

Mr. CURTIS. Before final action?

Mr. SMITH. Yes; before final action.

The PRESIDENT pro tempore. The Chair understands that the unanimous consent granted is for consideration of the joint resolution and not for its passage.

Mr. CURTIS. That is right.

The PRESIDENT pro tempore. The Chair hears no objection to that agreement, and the joint resolution is before the Senate as in Committee of the Whole for the purpose of amendment.

Mr. SMITH. Wherever the words "from cotton-producing States" occur in the joint resolution the amendment is that they be stricken out.

The PRESIDENT pro tempore. The amendment will be stated.

The READING CLERK. On page 1, line 6, strike out the words "from cotton-producing States," and on page 1, line 9, strike out the words "from cotton-producing States."

The amendment was agreed to.

Mr. HEFLIN. Mr. President, I ask the Senator from South Carolina if he has substituted "three" instead of "two" as the membership of the commission?

Mr. SMITH. Yes, that is proposed. That is an amendment reported by the committee. On page 1, line 5, instead of the word "two," insert the word "three." That amendment ought also to be agreed to.

The PRESIDENT pro tempore. The amendment will be stated.

The READING CLERK. On page 1, line 5, strike out the word "two" and insert the word "three," so as to read: "be composed of three Senators," etc.

The amendment was agreed to.

Mr. CURTIS. I ask that the joint resolution be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDENT pro tempore. The Chair understands that under the agreement the joint resolution is not to go beyond the Committee of the Whole, and with that understanding the joint resolution is now referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

PAYMENT TO ENLISTED MEN OF THE COAST GUARD

Mr. JONES of Washington. Mr. President, I report back favorably without amendment from the Committee on Commerce the bill (S. 4260) for the relief of certain Treasury Department disbursing officers. I desire just for a moment to call attention to a letter from the Secretary of the Treasury in which he said:

On December 15, 1924, the Comptroller General rendered a decision on a case involving payment to an enlisted man of the Coast Guard of an enlistment allowance based on the extension of his Navy enlistment. This was the first intimation from his office that such payments were not approved by him. On December 30, 1924, the Comptroller General was advised of the Treasury Department's reasons for making such payments and requested that he reconsider said decision. On January 20, 1925, he adhered to his former decision of December 15, 1924, and instructed that prompt action be taken to secure refundment of all such payments that had been made.

Of course these officers had to refund the money. The Secretary then says:

These payments, ranging in amounts from $50 to $200, have extended over a period of approximately two years, and the accounts of the disbursing officers of the Treasury Department involving such amounts were approved by the General Accounting Office without question up to the time of the decision of December 15, 1924. Many of the men from whom refundment would have to be secured under the latest decision of the Comptroller General have been separated from the Coast Guard, and as those men now in the service, as well as those who have been separated from the service, received such enlistment allowances in good faith, it would be only common justice to them to have the bill S. 4260 enacted into law. In this connection attention is also invited to the fact that the passage of this bill would require no additional appropriation of funds. I therefore earnestly recommend its passage.

In view of the circumstances, I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. Is there objection?

Mr. NORRIS. Let the bill be read.

The reading clerk read the bill (S. 4260) providing for the relief of certain Treasury Department disbursing officers, as follows:

Be it enacted, etc., That the accounting officers of the Government are authorized and directed to allow in the settlement of the accounts of disbursing officers of the Government all payments of enlistment allowances made by them to honorably discharged enlisted men of the Navy who enlisted in the Coast Guard within a period of three months from the date of discharge from the Navy between July 1, 1922, and January 20, 1925.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS OF SETTLERS IN POLK COUNTY, FLA.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

Mr. FLETCHER. Mr. President, will the Senator withhold that motion for a moment in order that I may make a request?

Mr. CURTIS. I withhold the motion, and yield to the Senator from Florida.

Mr. FLETCHER. On February 17 a report was submitted by the chairman of the Committee on Public Lands and Surveys [Mr. LADD] on House bill 5204, which is purely of a local character, relating to claims of settlers growing out of faulty surveys made by the Government in Polk County, Fla. My colleague wanted to look into the bill at the time, and I consented that it should go over. He has since examined it, and is willing that it shall be passed.

Mr. CURTIS. Could not the Senator allow it to go over until Monday?

Mr. FLETCHER. I could do that, but I should like to have it disposed of this afternoon.

Mr. CURTIS. Very well.

Mr. FLETCHER. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5204) to authorize the Secretary of the Interior to adjust disputes or claims by settlers, entrymen, selectors, grantees, and patentees of the United States against the United States and between each other, arising from incomplete or faulty surveys in township 28 south, ranges 26 and 27 east, Tallahassee meridian, Polk County, in the State of Florida, and for other purposes, which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to equitably adjust disputes and claims of settlers, entrymen, selectors, grantees, and patentees of the United States, their heirs or assigns, against the United States and between each other, arising from incomplete or faulty surveys in section 31, township 28 south, range 26 east, and in sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, and 21, township 28 south, range 27 east, Tallahassee meridian, Polk County, in the State of Florida, and to issue directly or in trust as may be found necessary or advisable, patent to such settlers, entrymen, selectors, grantees, and patentees, their heirs or assigns, for land claimed through settlement, occupation, purchase, or otherwise in said described area, preserving, as far as he may deem equitable, to those claimants now in possession of public land the right to have patented to them the areas so occupied: *Provided*, That a charge of $1.25 is to be made for each acre or fraction thereof of Government land patented under this act: *Provided further*, That rights acquired subsequent to the withdrawal of July 5, 1921, shall not be recognized or be subject to adjustment hereunder.

SEC. 2. That the Secretary of the Interior is authorized to accept any and all conveyances of land for purposes of adjustment and to make all necessary rules and regulations in order to carry this act into effect.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. FLETCHER. I ask that the report of the House committee on the bill may be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

Mr. VINSON of Kentucky, from the Committee on the Public Lands, submitted the following report, to accompany H. R. 5204:

The Committee on the Public Lands, to whom was referred the bill (H. R. 5204) to authorize the Secretary of the Interior to adjust disputes or claims by settlers, entrymen, selectors, grantees, and patentees of the United States against the United States and between each other, arising from incomplete or faulty surveys in township 28 south, ranges 26 and 27 east, Tallahassee meridian, Polk County, in the State of Florida, and for other purposes, having considered the same, report it to the House with the amendment herein stated, with the recommendation that it do pass.

The amendment referred to is as follows:

Page 2, line 2, after the comma following the word "east," insert the words "Tallahassee meridian, Polk County, in the State of Florida."

The report of the Secretary of the Interior is herein set out in full for the information of the House, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 26, 1925.

Hon. N. J. SINNOTT,
Chairman Committee on the Public Lands,
House of Representatives.

MY DEAR MR. SINNOTT: I am in receipt, by your reference, of H. R. 5204, entitled "A bill to authorize the Secretary of the Interior to adjust disputes or claims by settlers, entrymen, selectors, grantees, and patentees of the United States against the United States and between each other arising from incomplete or faulty surveys in township 28 south, ranges 26 and 27 east, Tallahassee meridian, Polk County, in the State of Florida, and for other purposes."

By Executive order of July 5, 1921, all public lands in T. 28 S., Rs. 26 and 27 E., Tallahassee Meridian, were withdrawn from settlement, location, sale, or entry pending preliminary examination and probable survey thereof designed to ascertain the true condition of the same and in contemplation of any legislation which might be found necessary in connection therewith. An examination conducted by this department shows that the original survey executed in 1853 in T. 28 S., R. 27 E., in the region bordering Lake Hamilton is grossly in error, and that approximately 1,380 acres which were in place at that date are shown as water areas on the official plat approved December 12, 1853. Certain subdivisions which are shown on the plat as land in place are found to be water areas and always have been such. The greater part of the town site of Hamilton, in section 16 of this township, is within the 1853 meander line and is designated on the official plat as a part of "Lake Hamilton." This town site was laid out and established in the year 1910 and now contains about 350 people, a number of stores, a national bank, and a large number of well-built homes.

In sec. 31, T. 28 S., R. 26 E., about 100 acres were omitted, according to the plat of survey approved September 30, 1850. There are no deficiencies in this township, and the old survey of the remainder of the township is fairly accurate. The claims to the area omitted from the old surveys range from small lots in the Hamilton town site to large areas of highly improved land which have been settled for many years. It appears from the record now before the department that the improvements on these lands have been made in entire good faith.

An official survey of the above-described areas has been made in order to provide a proper legal basis for their disposal, but the plats have not as yet been completed. The plats when completed, however, will show all lands erroneously omitted from the original surveys of these townships and will show in addition the extent of settlement and improvement made thereon by individuals now in possession.

The bill is identical with the draft submitted by the department to Hon. HERBERT J. DRANE, under date of December 22, 1922, and I recommend that it be enacted into law in order to provide a proper remedy for those who have been misled by the erroneous Government surveys.

Very truly yours,

HUBERT WORK.

In consequence of all of which the committee recommends passage of this bill.

EXECUTIVE SESSION

Mr. CURTIS. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 20 minutes p. m.) the Senate, under the order previously entered, took a recess until Monday, February 23, 1925, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 21 (legislative day of February 17), 1925

PURCHASING AGENT, POST OFFICE DEPARTMENT

Thomas L. Degnan to be purchasing agent.

POSTMASTERS

ALABAMA

Allie O. York, Midland City.
Arthur W. Smith, Shawmut.

CALIFORNIA

Pliny M. Arnold, Carlsbad.
Denver C. Jamerson, Cottonwood.
Irma J. Gallmann, Pinedale.
Claude C. Hayes, Salida.

GEORGIA

Pearl Warren, Abbeville.
Essie T. Patterson, Byromville.
John L. Dorris, Douglasville.
Fair Durden, Graymont.
Robert Turner, Jasper.
James D. Lane, Monticello.

IDAHO

Edgar H. Taylor, Juliaetta.
Haly C. Kunter, Ririe.

IOWA

Boyd B. Wade, Woodward.

KANSAS

Clara O. Cutbirth, Silver Lake.

KENTUCKY

Virginia M. Spencer, Garrett.

LOUISIANA

Ruby M. Ivey, Benton.
Joseph C. Ballay, Buras.

MARYLAND

Roland M. White, Princess Anne.

MICHIGAN

Charles J. Larson, Ironwood.

MINNESOTA

Ernest S. Mariette, Oak Terrace.

MISSISSIPPI

Thomas J. Davis, Baldwyn.
Thomas W. Maxwell, Canton.
Eppie R. Baker, Duck Hill.
John E. Nordan, Forest.
George T. Hallas, Hazlehurst.
Zilpha L. Killam, Hickory.
Walter E. Dreaden, Lambert.
James L. Cooper, Maben.
Opie C. Grenn, Norfield.
Jeff L. Barrow, Pelahatchee.
Davis Staples, Stewart.

MISSOURI

Gustav F. Duensing, Freeman.

MONTANA

Ovid S. Draper, Bonner.

NEBRASKA

Nora G. Johnson, Big Spring.
Maurice S. Groat, Inavale.

NEW JERSEY

William G. Wallis, Florence.

OKLAHOMA

Belle Moulton, Earlsboro.

PENNSYLVANIA

James W. McCurdy, Jackson Center.

SOUTH CAROLINA

Ellen M. Williamson, Norway.
Herbert O. Jones, Salley.

WISCONSIN

Edwin J. Pynn, Hartland.
John A. Dysland, Mount Horeb.
Ralph H. Tolford, Thorp.
Louis A. Meininger, Waukesha.
Robert R. Porter, Wheeler.

HOUSE OF REPRESENTATIVES

SATURDAY, *February 21, 1925*

The House met at 11 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Hear our prayer, O Lord, and give ear unto our supplication, for we would seek the shadow of Thy holy presence. We are Thine by creation and redemption, and all mortals over whom the skies bend in solemn silence are within the folds of the Father's arms. The Lord God bless, direct, and endow with understanding the officers and Members of this Chamber. May goodness and truth always be defended against the evil. The things we can not help may we leave to Thee without anxiety and unhappy contemplation, for our times are in Thine hands. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE

Mr. MADDEN. Mr. Speaker, I ask unanimous consent for leave of absence of my colleague, Mr. FULLER, who is sick in bed.

The SPEAKER. Without objection the request will be granted.

There was no objection.

MIGRATORY BIRD BILL

The SPEAKER. The unfinished business is the migratory game refuge bill, of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 745) for the establishment of migratory-bird refuges to furnish in perpetuity homes for migratory birds, the establishment of public shooting grounds to preserve the American system of free shooting, the provision of funds for establishing such areas, and the furnishing of adequate protection for migratory birds, and for other purposes.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

Mr. KINCHELOE. Mr. Speaker, I offer a motion to recommit, which if carried will cut out the license section of the bill and prohibit shooting.

The Clerk read the motion to recommit, as follows:

Motion to recommit offered by Mr. KINCHELOE: I move to recommit this bill to the Committee on Agriculture with instructions to report the same back immediately with the following amendments: On page 5, line 1, after the word "act," strike out the rest of section and